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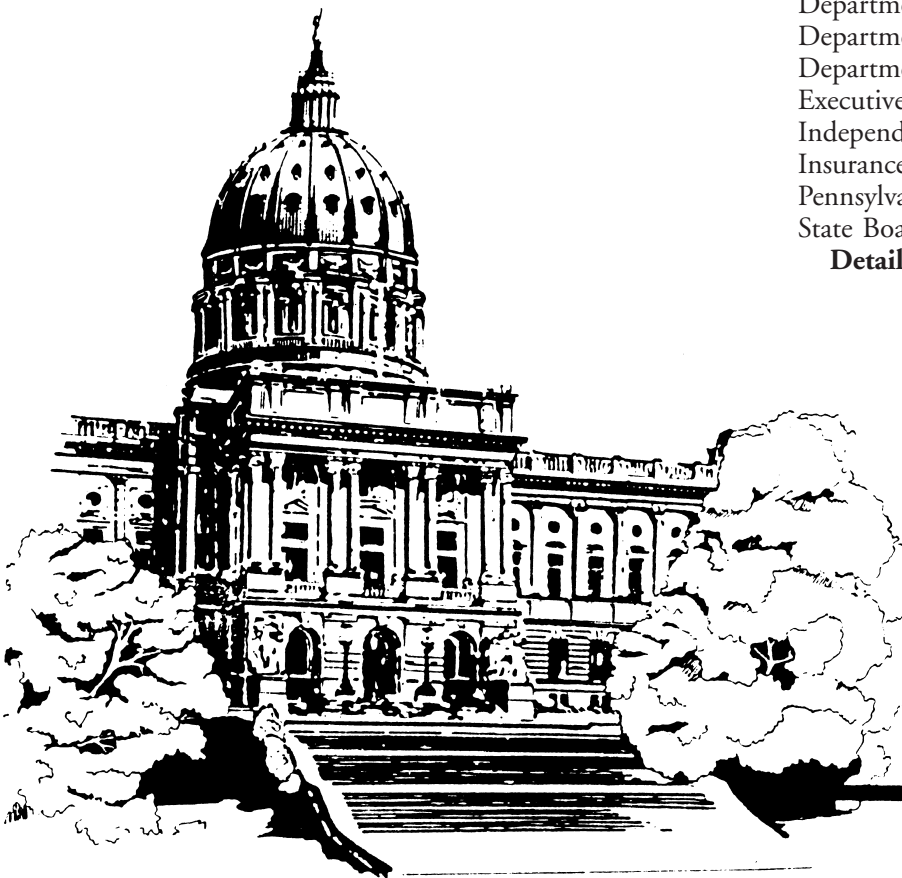
# PENNSYLVANIA BULLETIN

Volume 41  
Saturday, September 10, 2011 • Harrisburg, PA  
Number 37  
Pages 4835—4932

**Agencies in this issue**

The General Assembly  
The Courts  
Delaware River Basin Commission  
Department of Banking  
Department of Environmental Protection  
Department of Health  
Department of Labor and Industry  
Department of Public Welfare  
Department of Revenue  
Department of Transportation  
Executive Board  
Independent Regulatory Review Commission  
Insurance Department  
Pennsylvania Public Utility Commission  
State Board of Medicine

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**Latest Pennsylvania Code Reporters  
(Master Transmittal Sheets):**

**No. 442, September 2011**

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# READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

## *Pennsylvania Bulletin*

The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania. It is published every week and includes a table of contents. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. First, it is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, repeal or emergency action must be published in the *Pennsylvania Bulletin*. Further, agencies proposing changes to the codified text do so in the *Pennsylvania Bulletin*.

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Public Utility Commission; Applications and Actions before the Department of Environmental Protection; Orders of the Independent Regulatory Review Commission; and other documents authorized by law.

The text of certain documents published in the *Pennsylvania Bulletin* is the only valid and enforceable text. Courts are required to take judicial notice of the *Pennsylvania Bulletin*.

## **Adoption, Amendment or Repeal of Regulations**

Generally an agency wishing to adopt, amend or repeal regulations must first publish in the *Pennsylvania Bulletin* a Notice of Proposed Rulemaking. There are limited instances where the agency may omit the proposal step; they still must publish the adopted version.

The Notice of Proposed Rulemaking contains the full text of the change, the agency contact person, a fiscal note required by law and background for the action.

The agency then allows sufficient time for public comment before taking final action. An adopted proposal must be published in the *Pennsylvania*

*Bulletin* before it can take effect. If the agency wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, they must re-propose.

## **Citation to the *Pennsylvania Bulletin***

Cite material in the *Pennsylvania Bulletin* by volume number and page number. Example: Volume 1, *Pennsylvania Bulletin*, page 801 (short form: 1 Pa.B. 801).

## ***Pennsylvania Code***

The *Pennsylvania Code* is the official codification of rules and regulations issued by Commonwealth agencies and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes as soon as they occur. These changes are then permanently codified by the *Pennsylvania Code Reporter*, a monthly, loose-leaf supplement.

The *Pennsylvania Code* is cited by title number and section number. Example: Title 10 *Pennsylvania Code*, § 1.1 (short form: 10 Pa.Code § 1.1).

Under the *Pennsylvania Code* codification system, each regulation is assigned a unique number by title and section. Titles roughly parallel the organization of Commonwealth government. Title 1 *Pennsylvania Code* lists every agency and its corresponding *Code* title location.

## **How to Find Documents**

Search for your area of interest in the *Pennsylvania Code*.

The *Pennsylvania Code* contains, as Finding Aids, subject indexes for the complete *Code* and for each individual title, a list of Statutes Used As Authority for Adopting Rules and a list of annotated cases. Source Notes give you the history of the documents. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred.

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### Printing Format

Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from such a rule or regulation is enclosed in brackets [ ] and printed in **bold face**. Asterisks indicate ellipsis of *Pennsylvania Code* text retained without change. Proposed new or additional regulations are printed in ordinary style face.

### Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires that the Office of Budget prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions or authorities receiving money from the State Treasury stating whether the proposed action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions; that the fiscal note be published in the *Pennsylvania Bulletin* at the same time as the proposed change is advertised; and that the fiscal note shall provide the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the five succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the five succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The required information is published in the foregoing order immediately following the proposed change to which it relates; the omission of an item indicates that the agency text of the fiscal note states that there is no information available with respect thereto. In items (3) and (6) information is set forth for the first through fifth fiscal years; in that order, following the year the program is implemented, which is stated. In item (4) information is set forth for the current and two immediately preceding years, in that order. In item (8) the recommendation, if any, made by the Secretary of Budget is published with the fiscal note. See 4 Pa. Code § 7.231 *et seq.* Where “no fiscal impact” is published, the statement means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended.

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# List of Pa. Code Chapters Affected

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# THE GENERAL ASSEMBLY

## HOUSE OF REPRESENTATIVES

### Committee Designation under the Regulatory Review Act

Pursuant to the provisions of Act No. 181 of 1982, as amended, the Regulatory Review Act, the Speaker of the House is required to prescribe the jurisdiction of each standing committee of the House over the various State agencies for the purpose of reviewing proposed regulations.

I have, therefore, submitted the designated House committee to which you should submit any regulations which you may propose during the 2011-2012 Legislative Sessions.

SAMUEL H. SMITH,  
*The Speaker*

\*Any department, departmental administrative board or commission, independent board, commission, or authority not contained in this list is assigned to the same designated standing committee as is their parent agency.

(*Editor's Note:* This document supplements the list published at 41 Pa.B. 832 (February 12, 2011).)

#### Committee Referrals—Supplemental List (8/26/11)

##### *Finance Committee*

Department of Revenue—(Except for regulations pertaining to small games of chance.)

##### *Gaming Oversight Committee*

Department of Revenue—(Only those regulations pertaining to small games of chance.)

[Pa.B. Doc. No. 11-1541. Filed for public inspection September 9, 2011, 9:00 a.m.]

# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART II. GENERAL ADMINISTRATION

#### [ 204 PA. CODE CH. 29 ]

#### Promulgation of Financial Regulations Pursuant to Act 30 of 2011; No. 369 Judicial Administration Doc.

#### Order

*Per Curiam*

And Now, this 26th day of August, 2011, it is *Ordered* pursuant to Article V, Section 10(c) of the Constitution of Pennsylvania and Section 3502(a) of the Judicial Code, 42 Pa.C.S. § 3502(a), that the Court Administrator of Pennsylvania is authorized to promulgate the following Financial Regulations.

To the extent that notice of proposed rulemaking may be required by Pa.R.J.A. No. 103, the immediate promulgation of the regulations is hereby found to be in the interest of efficient administration.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b) and shall be effective immediately.

#### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART II. GENERAL ADMINISTRATION

#### CHAPTER 29. MISCELLANEOUS PROVISIONS

#### Subchapter I. BUDGET AND FINANCE

#### § 29.351. Definitions.

\* \* \* \*

(g) *Temporary Surcharge.*

i. Until December 31, 2014, a temporary surcharge of eleven dollars and twenty-five cents (\$11.25) shall be collected by all collectors of the JCS/ATJ/CJEA fee to supplement the twelve dollars and twenty-five cents (\$12.25) statutory fee described above.

ii. The temporary surcharge may not be imposed upon a conviction or guilty plea based upon the filing of a traffic citation charging a Title 75 (relating to vehicles) offense classified as summary under a state statute or local ordinance as provided in the Pennsylvania Rules of Criminal Procedure.

[Pa.B. Doc. No. 11-1542. Filed for public inspection September 9, 2011, 9:00 a.m.]

### PART V. PROFESSIONAL ETHICS AND CONDUCT

#### [ 204 PA. CODE CH. 83 ]

#### Proposed Amendments to Rule of Disciplinary Enforcement 214

Notice is hereby given that The Disciplinary Board of the Supreme Court of Pennsylvania ("Board") is consider-

ing recommending to the Pennsylvania Supreme Court that the Court amend Pennsylvania Rule of Disciplinary Enforcement 214 as set forth in Annex A. The primary intent of the revisions is twofold: first, to provide uniformity between those crimes that an attorney must report to the Board, and those crimes that the Board must report to the Supreme Court; and second, to streamline the process of prosecuting conviction matters by eliminating the procedural stage in which the Supreme Court refers a conviction matter to the Board.

Courts and criminal prosecutors do not always report a Pennsylvania attorney's conviction to the Board. Consequently, the reporting requirement of subdivision (a) of Rule 214, which imposes upon attorneys a duty to self-report a criminal conviction to the Board, is integral to an effective system of attorney discipline.

Under current subdivision (a), however, only some attorneys are obligated to self-report a conviction. A self-report is required only if the conviction is for a "serious crime," which is defined in subdivision (i) as "a crime that is punishable by imprisonment for one year or upward in this or any other jurisdiction."

This limited duty to self-report is not compatible with subdivisions (c) and (g) of Rule 214. Under the provisions of those subdivisions, Disciplinary Counsel must notify the Court of any conviction that comes to Disciplinary Counsel's attention, and the Court is obligated to review all conviction matters to determine whether or not disciplinary action is warranted.

The limited duty to self-report also means that only some attorneys who are convicted of a non-"serious" crime are subjected to the disciplinary process, namely, those attorneys who report their conviction to the Board even though they are not required to do so, and those attorneys whose conviction otherwise comes to the attention of Disciplinary Counsel. It is not uncommon for Disciplinary Counsel to learn of an attorney's conviction for a non-"serious" crime years after the fact, when the salutary effect of discipline is diminished.

The disparity between reportable crimes (i.e., serious crimes) and actionable crimes (i.e., serious crimes and non-"serious" crimes) can also lead to reporting anomalies when the legislature makes changes in the criminal law. Under prior Pennsylvania law, for example, the maximum term of imprisonment for the crime of driving under the influence of alcohol or controlled substance (DUI) was not less than two years, 75 Pa.C.S. § 3731(e) (repealed), and therefore all DUI offenses satisfied the definition of a "serious crime" and were reportable under Rule 214. Effective February 1, 2004, the General Assembly replaced 75 Pa.C.S. § 3731 with 75 Pa.C.S. § 3802, which created new substantive definitions for DUI, and with § 3803, which classified or reclassified some DUI offenses as an ungraded misdemeanor carrying a term of imprisonment of not more than six months. Consequently, not all DUI offenses are currently reportable, even though all DUI offenses remain actionable under Rule 214 and typically result in discipline.

In summary, abolishing the distinction between "serious" and non-"serious" crimes, and expanding the self-reporting requirement to require attorneys to report when convicted of any crime, will enhance Rule 214's effectiveness, make the Rule more evenhanded in its application, and eliminate reporting anomalies that result from legislative action. The practical effect of the proposed Rule is

that attorneys would be obligated to report to Disciplinary Counsel those crimes that Disciplinary Counsel is obligated to report to the Court.

Under proposed subdivision (d)(1), Disciplinary Counsel would have the discretion to ask the Court to issue a rule to show cause based upon a conviction for any crime. While the Board anticipates that such a request in a non-felony matter will be rare, it may be appropriate for Disciplinary Counsel to request a rule to show cause, for example, when the respondent-attorney is taken into custody or remains incarcerated at the time of the conviction or sentence, or where the conviction is part of a pattern of criminality or disciplinary violations. The amendments to the Note after subdivision (d)(5) would eliminate any question that the Court has the discretion to consider mitigating or aggravating circumstances.

Another procedural change, which is set forth in subdivision (f)(1) of the proposed Rule, would allow Disciplinary Counsel to commence an informal or formal proceeding under Enforcement Rule 208 immediately after filing the certificate of conviction with the Court. By eliminating the Rule's current requirement, as set forth in subdivision (f)(1) and the Note to subdivision (g), that Disciplinary Counsel take no action unless and until the Court refers the matter to the Board or to the Office of Disciplinary Counsel, the proposed change will accelerate the time from conviction to disciplinary disposition primarily in matters involving the less serious and minor offenses. In those cases where Disciplinary Counsel requests a rule to show cause because removal from practice is indicated by the nature of the criminal offense or surrounding circumstances, no disposition will occur prior to the Court's issuing a rule or entering an order declining to do so.

Consistent with the restriction in the current Rule, new subdivision (f)(1) provides that in those instances in which Disciplinary Counsel files a petition for discipline, a hearing on the petition shall be deferred until sentencing and all appeals from the conviction have been concluded. Consistent with precedent, new subdivision (f)(1) limits the deferral to the conclusion of the "direct" appeal process. *See In re Anonymous No. 69 DB 1985*, 50 Pa. D.&C.3d 297, 306-307 (1988).

Interested persons are invited to submit written comments by mail or facsimile regarding the proposed amendments to the Office of the Secretary, The Disciplinary Board of the Supreme Court of Pennsylvania, 601 Commonwealth Avenue, Suite 5600, PO Box 62625, Harrisburg, PA 17106-2625, Facsimile number (717-231-3382) on or before October 12, 2011.

*By The Disciplinary Board of the  
Supreme Court of Pennsylvania*

ELAINE M. BIXLER,  
Secretary

#### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART V. PROFESSIONAL ETHICS AND CONDUCT

#### Subpart B. DISCIPLINARY ENFORCEMENT

#### CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

#### Subchapter B. MISCONDUCT

#### Rule 214. Attorneys convicted of crimes.

(a) An attorney convicted of [ a serious ] any crime shall report the fact of such conviction within 20 days to

the [ Secretary of the Board ] Office of Disciplinary Counsel. The responsibility of the attorney to make such report shall not be abated because the conviction is under appeal or the clerk of the court has transmitted a certificate to Disciplinary Counsel pursuant to subdivision (b).

(b) The clerk of any court within the Commonwealth in which an attorney is convicted of any crime, or in which any such conviction is reversed, shall within 20 days after such disposition transmit a certificate thereof to Disciplinary Counsel, who shall file such certificate with the Supreme Court.

(c) Upon being advised that an attorney has been convicted of a crime [ within this Commonwealth ], Disciplinary Counsel shall secure and file [ a certificate in accordance with the provisions of subdivision (b). If the conviction occurred in another jurisdiction, it shall be the responsibility of Disciplinary Counsel to secure and file ] a certificate of such conviction with the Supreme Court.

(d)(1) Upon the filing with the Supreme Court of a certified copy of an order demonstrating that an attorney has been convicted of a [ serious ] crime, the Court may enter a rule directing the respondent-attorney to show cause why the respondent-attorney should not be placed on temporary suspension, which rule shall be returnable within ten days.

\* \* \* \* \*

(5) At any time before a plea or verdict or after a guilty plea or verdict of guilt in the criminal proceeding, Disciplinary Counsel and the respondent-attorney may file with the Court a joint petition for temporary suspension of the [ respondent-attorney's ] respondent-attorney on the ground that the respondent-attorney's temporary suspension is in the best interest of the respondent and the legal system.

**Official Note:** The subject of the summary proceedings authorized by subdivision (d) [ is ] will ordinarily be limited to whether the [ conditions ] condition triggering the application of subdivision (d) [ exist ] exists, i.e., proof that the respondent-attorney is the same person as the individual convicted of the offense charged [ and that the offense is a serious crime, and will not include ], although the Court has the discretion to consider such subjects as mitigating or aggravating circumstances. The provision of subdivision (d)(3) permitting the respondent-attorney to continue representing existing clients for 30 days is intended to avoid undue hardship to clients and to permit a winding down of matters being handled by the respondent-attorney, and the permissible activities of the respondent-attorney are intended to be limited to only those necessary to accomplish those purposes.

(e) A certificate of conviction of an attorney for a crime shall be conclusive evidence of the commission of that crime in any disciplinary proceeding instituted against the attorney based upon the conviction.

(f)(1) Upon the [ receipt ] filing of a certificate of conviction of an attorney for a [ serious ] crime, [ the Court shall, in addition to any order of suspension it may enter in accordance with the provisions of



subdivision (d), also refer the matter to the Board for the institution of a formal proceeding before a hearing committee in the appropriate disciplinary district in which the sole issue to be determined shall be the extent of the final discipline to be imposed, except that a disciplinary proceeding so instituted shall not be brought to hearing until sentencing and all appeals from the conviction are concluded.] Disciplinary Counsel may commence either an informal or formal proceeding under Enforcement Rule 208, except that Disciplinary Counsel may institute a formal proceeding before a hearing committee or special master by filing a petition for discipline with the Board without seeking approval for the prosecution of formal charges under Enforcement Rule 208(a)(3). If a petition for discipline is filed, a hearing on the petition shall be deferred until sentencing and all direct appeals from the conviction have been concluded. The sole issue at the hearing shall be the extent of the discipline or, where the Court has temporarily suspended the attorney under subdivision (d) of this rule, the final discipline to be imposed.

**Official Note:** Subdivision (f)(1) authorizes Disciplinary Counsel to proceed under Rule 208 concurrently with the Court's exercise of jurisdiction under subdivision (d) of this Rule.

\* \* \* \* \*

(g) [ Upon receipt of a certificate of conviction of any attorney for a crime other than a serious crime, the Court shall take such action as it deems warranted. The Court may in its discretion take no action with respect to convictions for minor offenses.

**Official Note:** The actions the Court may take under subdivision (g) include reference of the matter to the Office of Disciplinary Counsel for investigation and possible commencement of either a formal or informal proceeding, or reference of the matter to the Board with direction that it institute a formal proceeding.

(h) [ An attorney suspended under the provisions of subdivision (d) may be reinstated immediately upon the filing by the Board with the Court of a certificate demonstrating that the underlying conviction has been reversed, but the reinstatement will not terminate any formal proceeding then pending against the attorney.

[ (i) As used in this rule, the term "serious crime" means a crime that is punishable by imprisonment for one year or upward in this or any other jurisdiction.

(j) [ (h) For the purposes of this rule, **Enforcement** Rule 203(b)(1) and **Enforcement** Rule 402, "conviction" means any guilty verdict, whether after trial by judge or jury, or finding of guilt, and any plea of guilty or *nolo contendere* that has been accepted by the court, whether or not sentence has been imposed.

[Pa.B. Doc. No. 11-1543. Filed for public inspection September 9, 2011, 9:00 a.m.]

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

#### [ 231 PA. CODE CH. 1910 ]

**Amendment of Rules 1910.3, 1910.5, 1910.11, 1910.12, 1910.17, 1910.19 and 1910.27 of the Rules of Civil Procedure; No. 550 Civil Procedural Rules Doc.**

#### Order

*Per Curiam*

*And Now*, this 26th day of August, 2011, upon the recommendation of the Domestic Relations Procedural Rules Committee; the proposal having been published for public comment in the *Pennsylvania Bulletin*, 40 Pa.Bull. 7025 (December 11, 2010) and West's *Pennsylvania Reporter*, 6 A.3d No. 4, Ct.R-17-22 (December 17, 2010):

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 1910.3, 1910.5, 1910.11, 1910.12, 1910.17, 1910.19 and 1910.27 of the Pennsylvania Rules of Civil Procedure are amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective on November 1, 2011.

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 1910. ACTIONS FOR SUPPORT

Rule 1910.3. Parties. **Obligor. Obligee.**

(a) An action [ **shall** ] **may** be brought

[ (a) ] (1) by a person, including a minor parent or a minor spouse, to whom a duty of support is owing, or

[ (b) ] (2) on behalf of a minor child by a person having custody of the child, without appointment as guardian ad litem, or

[ (c) ] (3) on behalf of a minor child by a person caring for the child regardless of whether a court order has been issued granting that person custody of the child, or

[ (d) ] (4) by a public body or private agency having an interest in the case, maintenance or assistance of a person to whom a duty of support is owing, or

[ (e) ] (5) by a parent, guardian or public or private agency on behalf of an unemancipated child over eighteen years of age to whom a duty of support is owing, **or**

(6) **by any person who may owe a duty of support to a child or spouse.**

(b) **The trier of fact shall enter an appropriate child support order based upon the evidence presented, without regard to which party initiated the support action or filed a modification petition. The determination of which party will be the obligee and which will be the obligor will be made by the trier of fact based upon the respective incomes of the parties, consistent with the support guidelines and existing law, and the custodial arrangements at the time of the initial or subsequent conference, hearing or trial. If supported by the evidence, the**

party named as the defendant in the initial pleading may be deemed to be the obligee, even if that party did not file a complaint for support. The provisions of this subdivision do not apply to parties seeking spousal support or alimony pendente lite. Parties seeking spousal support or alimony pendente lite must assert a claim in an appropriate pleading with proper notice served upon the other party.

(1) In general, the party who has primary custody of the children shall be the obligee of a child support order.

(2) When the parties share custody of the children equally, the party with the higher income shall be the obligor as provided in Rule 1910.16-4(c)(2).

#### Explanatory Comment—1999

New subdivision (c) incorporates 23 Pa.C.S. § 4341(b) to confer standing on any person who is caring for a child to seek support on behalf of that child even though there is no court order granting legal or physical custody to that person. The statutory provision effectively overrules *Larson v. Diveglia*, 549 Pa. 118, 700 A.2d 931 (1997), which held to the contrary.

Subdivision (e) is amended to eliminate the requirement of consent when the child is over 18 years of age. This requirement was originally intended only for applicable child support actions for higher educational support, which actions were abolished by *Curtis v. Kline*, 542 Pa. 249, 666 A.2d 265 (1995). This rule also is intended to apply to children who are unemancipated by reason of physical or mental disability, consistent with 23 Pa.C.S. § 4321(3) as interpreted by case law.

#### Explanatory Comment—2011

A new category has been added in subdivision (a) to allow a party who may not have primary custody of the parties' child or who may owe a duty of support to a spouse to initiate a support action in which an appropriate order may be entered. In some cases, the obligor may want to start paying spousal support or alimony pendente lite to the obligee as soon as possible to avoid the accumulation of retroactive arrears, but § 71 of the Internal Revenue Code provides that payments to a spouse or ex-spouse must be pursuant to an order or a divorce or separation instrument to receive alimony tax treatment. Thus, any payments made prior to the entry of a support order will not be deductible by the obligor. This provision is intended to allow an obligor to commence the process by which he or she may pay support earlier.

A new subdivision (b) has been added to clarify that in all initial and subsequent child support actions, the trier of fact may enter a support order against either party, without regard to which party filed the complaint or petition for modification. This facilitates judicial economy, and relieves the parties from incurring additional filing fees, losing time from work or family, losing retroactivity and having to wait for a new proceeding to be scheduled. It enables the trier of fact to base the order on the facts and circumstances at the time of the proceeding, which may be different than at the time of filing.

#### Rule 1910.5. Complaint. Order of Court.

\* \* \* \* \*

(c) An order shall be attached at the front of the complaint directing the defendant to appear before an officer for a conference at the time and place directed by the court. The order shall be substantially in the form provided by Rule 1910.27(b) and must include notice that a child support order may be entered against either party without regard to which party initiated the action.

\* \* \* \* \*

#### Rule 1910.11. Office Conference. Subsequent Proceedings. Order.

\* \* \* \* \*

(b) If [ the defendant ] either party fails to appear at the conference before the officer as directed by the court, the conference may proceed [ without the defendant ].

\* \* \* \* \*

#### Rule 1910.12. Office Conference. Hearing. Record. Exceptions. Order.

\* \* \* \* \*

(b)(1) At the conclusion of a conference attended by both parties, if an agreement for support has not been reached, and the conference and hearing are not scheduled on the same day, the court, without hearing the parties, shall enter an interim order calculated in accordance with the guidelines and substantially in the form set forth in Rule 1910.27(e), and the parties shall be given notice of the date, time and place of a hearing. A record hearing shall be conducted by a hearing officer who must be a lawyer.

(2) If [ the defendant ] either party, having been properly served, fails to attend the conference, the court [ shall ] may enter an interim order calculated in accordance with the guidelines and substantially in the form set forth in Rule 1910.27(e). Within twenty days after the date of receipt or the date of mailing of the interim order, whichever occurs first, either party may demand a hearing before a hearing officer. If no hearing is requested, the order shall become final.

\* \* \* \* \*

#### Rule 1910.17. Support Order. Effective Date. Change of Circumstances. Copies of Order. Priority of Distribution of Payments.

(a) An order of support shall be effective from the date of the filing of the complaint or petition for modification unless the order specifies otherwise. In a child support case, if a change in custody occurs after the date of filing, but before a domestic relations conference is held, the trier of fact shall enter a charging order going forward in favor of the primary custodian that shall be effective from the date of the change in custody. The trier of fact also may enter a retroactive arrears order in favor of the party who was the primary custodian at the time of filing. Such an order may address the period from the date of filing to the date of the change in custody. However, a modification of an existing support order may be retroactive to a date preceding the date of filing if the petitioner was precluded from filing a petition for modification by reason of a significant physical or mental disability, misrepresentation of another party or other compelling reason and if the petitioner, when no longer precluded, promptly filed a petition.



**Example:** Mother has primary custody of the children and files for child support. Two months later, Father becomes the primary custodian. One month after the change in custody, a support conference is held. Father will be the obligee on a charging order that is retroactive to the date he became the primary custodian. However, an order also may be entered with Mother as the obligee for the two-month period from the date of filing to the date of the change in custody.

**Official Note:** The order must direct payment to be made payable to or payment to be made to the State Collection and Disbursement Unit for transmission to the obligee. See 23 Pa.C.S. § 4325.

Subdivision (a) was amended in 2005 to include the statutory provision at 23 [ Pa.C.S.A. ] Pa.C.S. § 4352(e) that authorizes the court to enter a modified order that is effective to a date prior to the date on which the petition for modification was filed in certain circumstances. To the effect that the holding in *Kelleher v. Bush*, 832 A.2d 483 (Pa. Super. Ct. 2003), is inconsistent, it is superseded. See 23 [ Pa.C.S.A. ] Pa.C.S. § 4352(e) for additional provisions. Every order of support must contain an immediate or conditional order for the attachment of income. See Rule 1910.21.

\* \* \* \* \*

**Rule 1910.19. Support. Modification. Termination. Guidelines as Substantial Change in Circumstances.**

\* \* \* \* \*

(b) The procedure upon the petition shall be in accordance with Rule 1910.10 et seq. **After a party has filed a petition for modification of a child support order, the petition may not be withdrawn unless both parties consent or with leave of court. A petition for modification of spousal support or alimony pendente lite may be withdrawn without the consent of the other party or leave of court.**

(c) Pursuant to a petition for modification, the trier of fact may modify or terminate the existing support order in any appropriate manner based upon the evidence presented **without regard to which party filed the petition for modification. If the trier of fact finds that there has been a material and substantial change in circumstances, the order may be increased or decreased depending upon the respective incomes of the parties, consistent with the support guidelines and existing law, and each party's custodial time with the child at the time the modification petition is heard.**

\* \* \* \* \*

**Rule 1910.27. Form of Complaint. Order. Income Statements and Expense Statements. Health Insurance Coverage Information Form. Form of Support Order. Form Petition for Modification.**

\* \* \* \* \*

(b) The order to be attached at the front of the complaint set forth in subdivision (a) shall be in substantially the following form:

(Caption)

ORDER OF COURT

\* \* \* \* \*

[ THE APPROPRIATE COURT OFFICER MAY ENTER AN ORDER AGAINST EITHER PARTY BASED UPON THE EVIDENCE PRESENTED WITHOUT REGARD TO WHICH PARTY INITIATED THE SUPPORT ACTION.] THE TRIER OF FACT SHALL ENTER AN APPROPRIATE CHILD SUPPORT ORDER BASED UPON THE EVIDENCE PRESENTED, WITHOUT REGARD TO WHICH PARTY INITIATED THE SUPPORT ACTION. THE DETERMINATION OF WHICH PARTY WILL BE THE OBLIGEE AND WHICH WILL BE THE OBLIGOR WILL BE MADE BY THE TRIER OF FACT BASED UPON THE RESPECTIVE INCOMES OF THE PARTIES, CONSISTENT WITH THE SUPPORT GUIDELINES AND EXISTING LAW, AND THE CUSTODIAL ARRANGEMENTS AT THE TIME OF THE INITIAL OR SUBSEQUENT CONFERENCE, HEARING, OR TRIAL. IF SUPPORTED BY THE EVIDENCE, THE PARTY NAMED AS THE DEFENDANT IN THE INITIAL PLEADING MAY BE DEEMED TO BE THE OBLIGEE, EVEN IF THAT PARTY DID NOT FILE A COMPLAINT FOR SUPPORT.

\* \* \* \* \*

(g) The order to be attached at the front of the petition for modification set forth in subdivision (f) shall be in substantially the following form:

(Caption)

ORDER OF COURT

\* \* \* \* \*

[ THE APPROPRIATE COURT OFFICER MAY MODIFY OR TERMINATE THE EXISTING ORDER IN ANY MANNER BASED UPON THE EVIDENCE PRESENTED.] THE TRIER OF FACT MAY INCREASE, DECREASE OR TERMINATE THE EXISTING ORDER BASED UPON THE EVIDENCE PRESENTED. AN ORDER MAY BE ENTERED AGAINST EITHER PARTY WITHOUT REGARD TO WHICH PARTY FILED THE MODIFICATION PETITION.

\* \* \* \* \*

[Pa.B. Doc. No. 11-1544. Filed for public inspection September 9, 2011, 9:00 a.m.]

**PART I. GENERAL**

**[ 231 PA. CODE CH. 1910 ]**

**Amendment of Rules 1910.16-2 and 1910.16-4 of the Rules of Civil Procedure; No. 549 Civil Procedural Rules Doc.**

**Order**

*Per Curiam*

*And Now*, this 26th day of August, 2011, upon the recommendation of the Domestic Relations Procedural Rules Committee; the proposal having been published for public comment in the *Pennsylvania Bulletin*, 41 Pa.Bull. 1617 (March 26, 2011) and *West's Pennsylvania Reporter*, 13 A.3d No. 2 (April 1, 2011):

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 1910.16-2 and Rule 1910.16-4 of the Pennsylvania Rules of Civil Procedure are amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective on September 30, 2011.

### Annex A

## TITLE 231. RULES OF CIVIL PROCEDURE

### PART I. GENERAL

#### CHAPTER 1910. ACTIONS FOR SUPPORT

#### Rule 1910.16-2. Support Guidelines. Calculation of Net Income.

Generally, the amount of support to be awarded is based upon the parties' monthly net income.

\* \* \* \* \*

(b) *Treatment of Public Assistance, SSI Benefits, Social Security Payments to a Child Due to a Parent's Death, Disability or Retirement and Foster Care Payments.*

(1) **Public Assistance and SSI Benefits.** Neither public assistance nor Supplemental Security Income (SSI) benefits shall be counted as income for purposes of determining support.

(2) **Social Security Payments for a Child.** If a child for whom support is sought is receiving Social Security benefits as a result of a parent's retirement, death or disability, the benefits the child receives shall be added to the combined monthly net incomes of the obligor and the obligee to calculate the income available for support on the vertical axis of the basic child support schedule set forth in Rule 1910.16-3. The presumptive amount of support as set forth on the schedule at the combined income of the obligee, obligor and child's benefits shall then be reduced by the amount of the child's benefits before apportioning the remaining support obligation between the parties pursuant to Rule 1910.16-4. **This**

**calculation presumes that the primary custodial parent, or the shared custodial parent who is the obligee, is receiving the child's benefits. In cases in which the obligor is receiving the child's benefits, the amount of the child's benefit shall be added to the obligor's income and support shall be calculated as in any other case without deduction of the amount of the benefit from the presumptive amount of support set forth in the basic support schedule.** For purposes of determining the support obligation of a surviving parent when the child is receiving benefits as the result of the other parent's death, the income of a non-parent obligee who is caring for a child but has no support obligation to that child shall include only those funds the obligee is receiving on behalf of the child.

(3) **Foster Care Payments.** If either party to a support action is a foster parent and/or is receiving payments from a public or private agency for the care of a child who is not his or her biological or adoptive child, those payments shall not be included in the income of the foster parent or other caretaker for purposes of calculating child support for the foster parent's or other caretaker's biological or adoptive child.

\* \* \* \* \*

#### Rule 1910.16-4. Support Guidelines. Calculation of Support Obligation. Formula.

(a) The following formula shall be used to calculate the obligor's share of basic child support, either from the schedule in Rule 1910.16-3 or the formula in Rule 1910.16-3.1(a), as well as spousal support and alimony pendente lite obligations. In high income cases, Part IV shall be used as a preliminary analysis in the calculation of spousal support or alimony pendente lite obligations:

#### PART I. BASIC CHILD SUPPORT

		OBLIGOR	OBLIGEE
	* * * * *		
4.	Conversion to Monthly Amount (if pay period is other than monthly) <b>Include in the obligor's income the child's monthly Social Security retirement or disability benefit if the obligor is receiving the child's benefit. (See Rule 1910.16-2(b)(2))</b>	_____	_____
5.	Combined Total Monthly Net Income	_____	
6.	Plus Child's Monthly Social Security, Death, Retirement or Disability Derivative Benefit, if any. <b>Do not add child's benefit if included in the obligor's income in line 4. (See Rule 1910.16-2(b)(2))</b>	+ _____	
7.	Adjusted Combined Monthly Net Income	_____	
8.	PRELIMINARY BASIC CHILD SUPPORT OBLIGATION (determined from schedule at Rule 1910.16-3 based on number of children and line 7 adjusted combined monthly net income)	_____	
9.	Less Child's Monthly Social Security Derivative Benefit <b>(Do not deduct the child's benefit if the obligor is receiving the child's benefit.)</b>	_____	

\* \* \* \* \*

[Pa.B. Doc. No. 11-1545. Filed for public inspection September 9, 2011, 9:00 a.m.]

**PART I. GENERAL**  
**[ 231 PA. CODE CH. 1910 ]**

**Amendment of Rules 1910.16-3.1 and 1910.16-4 of  
the Rules of Civil Procedure; No. 551 Civil  
Procedural Rules Doc.**

**Order**

*Per Curiam*

And Now, this 26th day of August, 2011, upon the recommendation of the Domestic Relations Procedural Rules Committee; the proposal having been published for public comment in the *Pennsylvania Bulletin*, 40 Pa.Bull. 7028 (December 11, 2010) and West's *Pennsylvania Reporter*, 6 A.3d No. 4, Ct.R-27-29 (December 17, 2010):

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 1910.16-3.1 and 1910.16-4 of the Pennsylvania Rules of Civil Procedure are amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective on September 30, 2011.

**Annex A**

**TITLE 231. RULES OF CIVIL PROCEDURE**

**PART I. GENERAL**

**CHAPTER 1910. ACTIONS FOR SUPPORT**

**Rule 1910.16-3.1. Support Guidelines. High Income  
Cases.**

(a) *Child Support Formula.* When the parties' combined monthly net income is above \$30,000, the following three-step process shall be applied to calculate the parties' respective child support obligations. The amount of support calculated pursuant to this three-step process shall in no event be less than the amount of support that would have been awarded if the parties' combined net monthly income were \$30,000. That amount shall be a presumptive minimum.

\* \* \* \* \*

(2) And second, the trier of fact shall [ **make** ] apply **Part II and Part III of the formula at Rule 1910.16-4(a), making any applicable adjustments for substantial or shared custody pursuant to Rule 1910.16-4(c)** and allocations of additional expenses pursuant to Rule 1910.16-6;

\* \* \* \* \*

**Explanatory Comment—2011**

The rule has been amended to clarify that the provisions of Rule 1910.16-4(c), regarding adjustments to support when the obligor has substantial or shared custody, apply in high income cases. Previously, when high income cases were decided pursuant to *Melzer v. Witsberger*, 505 Pa. 462, 480 A.2d 991 (1984), case law held that because the time and resources each parent provided to a child were factored into the *Melzer* formula, the reductions for substantial or shared parenting time did not apply to cases decided pursuant to *Melzer*. See, e.g., *Sirio v. Sirio*, 951 A.2d 1188 (Pa. Super. 2008), *Bulgarelli v. Bulgarelli*, 934 A.2d 107 (Pa. Super. 2007). As *Melzer* no longer applies to calculate support in high income cases, the prohibition against reductions for substantial or shared parenting time in such cases is no longer applicable.

**Rule 1910.16-4. Support Guidelines. Calculation of  
Support Obligation. Formula.**

\* \* \* \* \*

(c) *Substantial or Shared Physical Custody.*

(1) When the children spend 40% or more of their time during the year with the obligor, a rebuttable presumption arises that the obligor is entitled to a reduction in the basic support obligation to reflect this time. **This rebuttable presumption also applies in high income cases decided pursuant to Rule 1910.16-3.1.** Except as provided in subsections (2) and (3) below, the reduction shall be calculated pursuant to the formula set forth in Part II of subdivision (a) of this rule. For purposes of this provision, the time spent with the children shall be determined by the number of overnights they spend during the year with the obligor.

\* \* \* \* \*

(3) [ **This subdivision** ] **Reductions for substantial or shared custody** shall not apply when the obligor's income falls within the shaded area of the schedule in Rule 1910.16-3 or when the obligee's income is 10% or less of the parties' combined income.

\* \* \* \* \*

[Pa.B. Doc. No. 11-1546. Filed for public inspection September 9, 2011, 9:00 a.m.]

**PART I. GENERAL**

**[ 231 PA. CODE CH. 1910 ]**

**Amendment of Rule 1910.16-6(b) of the Rules of  
Civil Procedure; No. 548 Civil Procedural Rules  
Doc.**

**Order**

*Per Curiam*

And Now, this 26th day of August, 2011, upon the recommendation of the Domestic Relations Procedural Rules Committee; the proposal having been published for public comment in the *Pennsylvania Bulletin*, 40 Pa.Bull. 7027 (December 11, 2010) and West's *Pennsylvania Reporter*, 6 A.3d No. 4, Ct.R-23-26 (December 17, 2010):

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 1910.16-6(b) of the Pennsylvania Rules of Civil Procedure is amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective on September 30, 2011.

**Annex A**

**TITLE 231. RULES OF CIVIL PROCEDURE**

**PART I. GENERAL**

**CHAPTER 1910. ACTIONS FOR SUPPORT**

**Rule 1910.16-6. Support Guidelines. Adjustments to  
the Basic Support Obligation. Allocation of Addi-  
tional Expenses.**

\* \* \* \* \*

(b) *Health Insurance Premiums.*

(1) A party's payment of a premium to provide health insurance coverage on behalf of the other party and/or the



children shall be allocated between the parties in proportion to their net incomes, including the portion of the premium attributable to the party who is paying it, as long as a statutory duty of support is owed to the party who is paying the premium. If there is no statutory duty of support owed to the party who is paying the premium, the portion attributable to that person must be deducted from the premium as set forth in subdivision (2) below. **Premiums paid by a party to whom no duty of support is owed to cover himself or herself only and that are not necessary to cover the other party or a child as part of a support order shall not be apportioned between the parties.** If health insurance coverage for a child who is the subject of the support proceeding is being provided and paid for by a third party resident of either party's household, the cost shall be allocated between the parties in proportion to their net incomes. If the obligor is paying the premium, then the obligee's share is deducted from the obligor's basic support obligation. If the obligee is paying the premium, then the obligor's share is added to his or her basic support obligation. Employer-paid premiums are not subject to allocation.

\* \* \* \* \*

*Example 1.* If the parties are separated, but not divorced, and Husband pays \$200 per month toward the cost of a health insurance policy provided through his employer which covers himself, Wife, the parties' child, and two additional children from a previous marriage, the portion of the premium attributable to the additional two children, if not otherwise verifiable or known with reasonable ease and certainty, is calculated by dividing \$200 by five persons and then multiplying the resulting amount of \$40 per person by the two additional children, for a total of \$80 to be excluded from allocation. Deduct this amount from the total cost of the premium to arrive at the portion of the premium to be allocated between the parties—\$120. Since Husband is paying the premium, and spouses have a statutory duty to support one another pursuant to 23 [ Pa.C.S.A. ] Pa.C.S. § 4321, Wife's percentage share of the \$120 is deducted from Husband's support obligation. If Wife had been providing the coverage, then Husband's percentage share would be added to his basic support obligation.

\* \* \* \* \*

*Example 3.* The parties are divorced and Mother is the obligee of a child support order. Father, the obligor, pays \$200 per month toward the cost of a health insurance policy provided by his employer that covers himself and the parties' child. Mother pays \$400 per month for her employer-sponsored health insurance that covers only herself. The amount of the premium Father pays to cover the parties' child, \$100 (\$200 premium divided between two covered persons, Father and the child), will be allocated between the parties in proportion to their respective incomes. The portion of the premium that covers Father will not be allocated because the parties are no longer married and he is not owed a duty of support by Mother. The premium Mother pays to provide her own coverage will not be allocated because the parties are no longer married and she is not owed a duty of support by Father.

(3) Pursuant to 23 [ Pa.C.S.A. ] Pa.C.S. § 4326(a), in every support proceeding, the court must ascertain each parent's ability to provide medical support for the parties' children and the support "order shall include a require-

ment for medical support to be provided by either or both parents, provided that such medical support is accessible to the children."

\* \* \* \* \*

(ii) Unless health care coverage for the parties' children is provided by the obligee or a third party, the court shall issue the National Medical Support Notice required by 23 [ Pa.C.S.A. ] Pa.C.S. § 4326(d.1) to the obligor's employer in response to notification that the obligor is employed. The notice shall direct the employer to enroll the children of the obligor who are the subject of the support proceeding if the coverage is available at a reasonable cost to the obligor. However, the notice shall direct that enrollment shall not occur earlier than 25 days from the date of the National Medical Support Notice to allow the obligor time to object. Concurrent with the issuance of the National Medical Support Notice, the court shall provide notice to the obligor setting forth the process to object to the enrollment based upon unreasonable cost, mistake of fact or availability of alternative health care coverage for the children. If there is more than one employer-provided health care coverage option, the obligor shall select the plan, subject to the obligee's right to seek a court order designating a different option.

\* \* \* \* \*

**Official Note:** Subdivision (b) of this rule does not apply to Medical Assistance. See 23 [ Pa.C.S.A. ] Pa.C.S. § 4326(l). The 2005 amendments to Rule 1910.16-6(b)(1) and (2) clarify that the portion of the insurance premium covering the party carrying the insurance cannot be allocated between the parties if there is no statutory duty of support owed to that party by the other party. See *Maier v. Maier*, 575 Pa. 181, 835 A.2d 1281 (2003) and 23 [ Pa.C.S.A. ] Pa.C.S. § 4321.

(c) *Unreimbursed Medical Expenses.* Unreimbursed medical expenses of the obligee or the children shall be allocated between the parties in proportion to their respective net incomes. Notwithstanding the prior sentence, there shall be no apportionment of unreimbursed medical expenses incurred by a party who is not owed a statutory duty of support by the other party. The court may direct that the obligor's share be added to his or her basic support obligation, or paid directly to the obligee or to the health care provider.

\* \* \* \* \*

[Pa.B. Doc. No. 11-1547. Filed for public inspection September 9, 2011, 9:00 a.m.]

## Title 25—LOCAL COURT RULES

### LEHIGH COUNTY

**Administrative Order Establishing Uniform Costs  
for Supervision by the Adult Probation/Parole  
Office; No. AD 10-2011**

#### Order

And Now, this 23rd day of August, 2011, the following Administrative Order establishing uniform costs in criminal cases for supervision by the Adult Probation/Parole Office of Lehigh County is promulgated and is effective for all such services rendered in any criminal case thirty

(30) days or more after publication of this Order in the *Pennsylvania Bulletin*. Seven (7) certified copies shall be filed with the Administrative Office of the Pennsylvania Courts; that two (2) certified copies shall be filed with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; that one (1) certified copy shall be filed with the Criminal Procedural Rules Committee; and that one (1) copy shall be filed with the Clerk of Judicial Records of the Court of Common Pleas of Lehigh County.

#### SUPERVISION FEE

In accordance with the Act of November 24, 1998, P. L. 882, No. 111, § 1102, 18 P. S. § 1102, every person placed on probation, parole, accelerated rehabilitative disposition, probation without verdict, or intermediate punishment, shall pay, in addition to the costs of prosecution, fines and restitution, and other costs, a monthly supervision fee of \$50.00.

*By the Court*

KELLY L. BANACH,  
*Administrative Judge*

[Pa.B. Doc. No. 11-1548. Filed for public inspection September 9, 2011, 9:00 a.m.]

#### WESTMORELAND COUNTY

#### Rescinding Rule W1272; Adopting New Rule W1272; No. 3 of 2011

#### Order

*And Now*, this 24th day of August, 2011 *It Is Hereby Ordered* that current Rule W1272 is rescinded and that new Rule W1272 is adopted.

*By the Court*

JOHN E. BLAHOVEC,  
*President Judge*

#### Rule W1272. Appeals of Proceedings under the Eminent Domain Code.

Upon the filing of an appeal to the Court under 26 Pa.C.S.A. § 517 where there are objections raised by the appeal other than to the amount of the award, the court upon motion of any party shall set a date for a hearing, briefing schedule, and a date for oral argument for preliminary disposition of the appeal in accordance with 26 Pa.C.S.A. § 518. This provision shall pertain to all proceedings under the Eminent Domain Code and to proceedings in which the procedure provided under the Eminent Domain Code applies.

[Pa.B. Doc. No. 11-1549. Filed for public inspection September 9, 2011, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

#### Notice of Suspension

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated August 25, 2011, Bernard Lambert is Suspended on Consent from the Bar of this Commonwealth for a period of 3 years retroactive to May 23, 2011. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,  
*Secretary*  
*The Disciplinary Board of the*  
*Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 11-1550. Filed for public inspection September 9, 2011, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

#### [ 4 PA. CODE CH. 9 ]

#### Reorganization of the Department of Agriculture

The Executive Board approved a reorganization of the Department of Agriculture effective August 19, 2011.

The organization chart at 41 Pa.B. 4855 (September 10, 2011) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

[Pa.B. Doc. No. 11-1551. Filed for public inspection September 9, 2011, 9:00 a.m.]

### PART II. EXECUTIVE BOARD

#### [ 4 PA. CODE CH. 9 ]

#### Reorganization of the Department of Education

The Executive Board approved a reorganization of the Department of Education effective August 19, 2011.

The organization chart at 41 Pa.B. 4856 (September 10, 2011) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

[Pa.B. Doc. No. 11-1552. Filed for public inspection September 9, 2011, 9:00 a.m.]

### PART II. EXECUTIVE BOARD

#### [ 4 PA. CODE CH. 9 ]

#### Reorganization of the Historical and Museum Commission

The Executive Board approved a reorganization of the Historical and Museum Commission effective August 19, 2011.

The organization chart at 41 Pa.B. 4857 (September 10, 2011) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

[Pa.B. Doc. No. 11-1553. Filed for public inspection September 9, 2011, 9:00 a.m.]

### PART II. EXECUTIVE BOARD

#### [ 4 PA. CODE CH. 9 ]

#### Reorganization of the Pennsylvania State Police

The Executive Board approved a reorganization of the Pennsylvania State Police effective August 19, 2011.

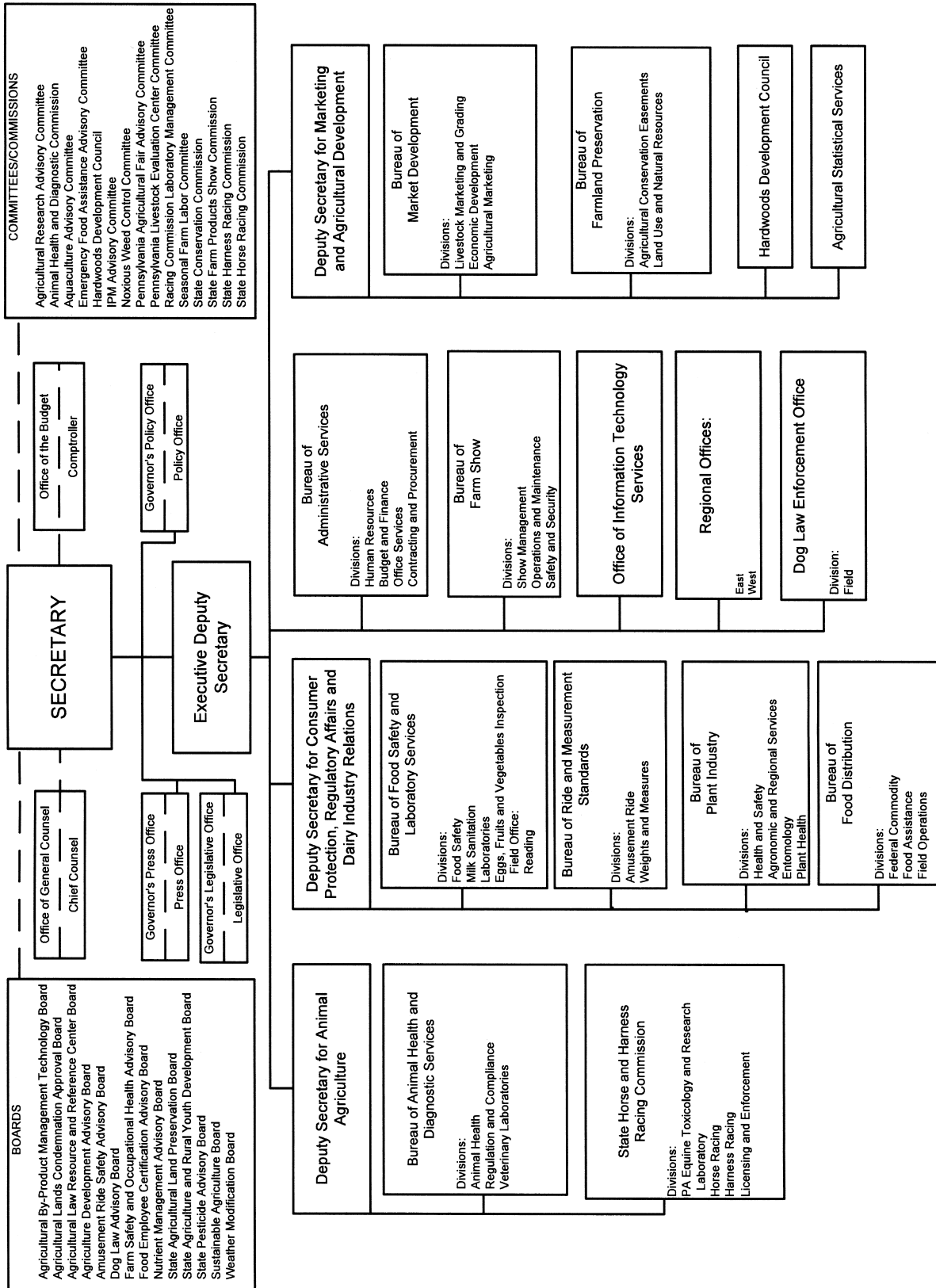
The organization chart at 41 Pa.B. 4858 (September 10, 2011) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

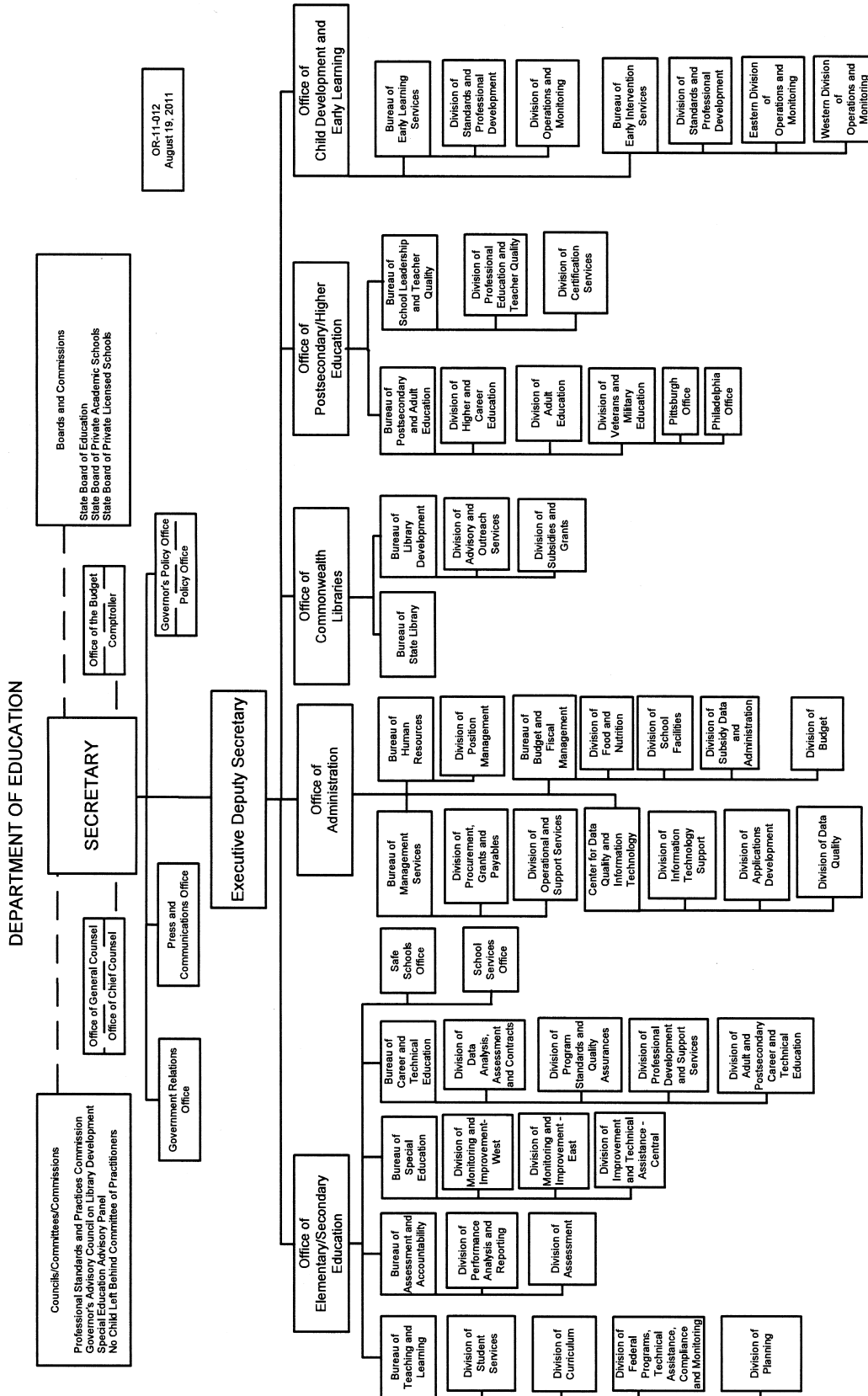
[Pa.B. Doc. No. 11-1554. Filed for public inspection September 9, 2011, 9:00 a.m.]

OR-11-009  
August 19, 2011

# DEPARTMENT OF AGRICULTURE

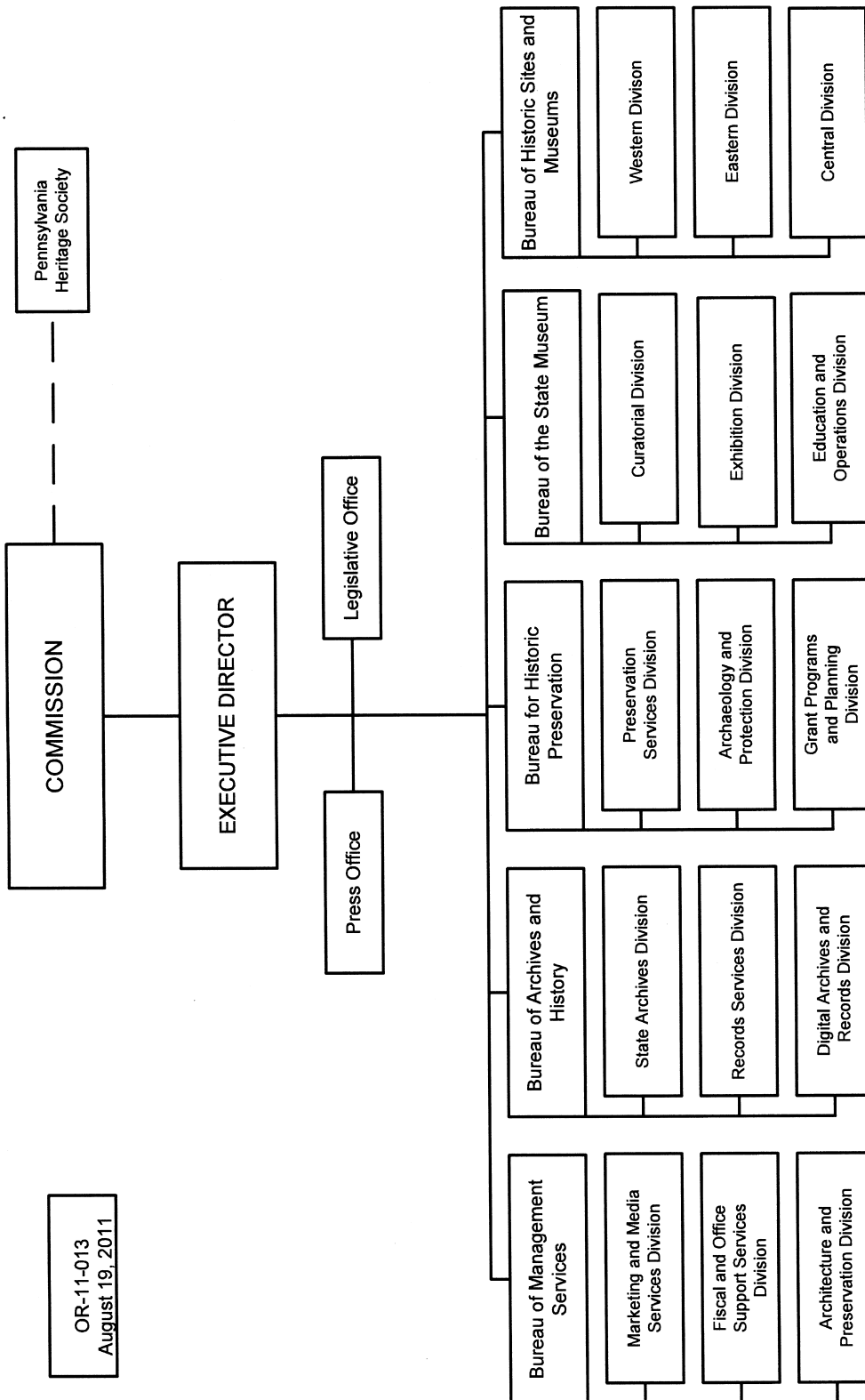




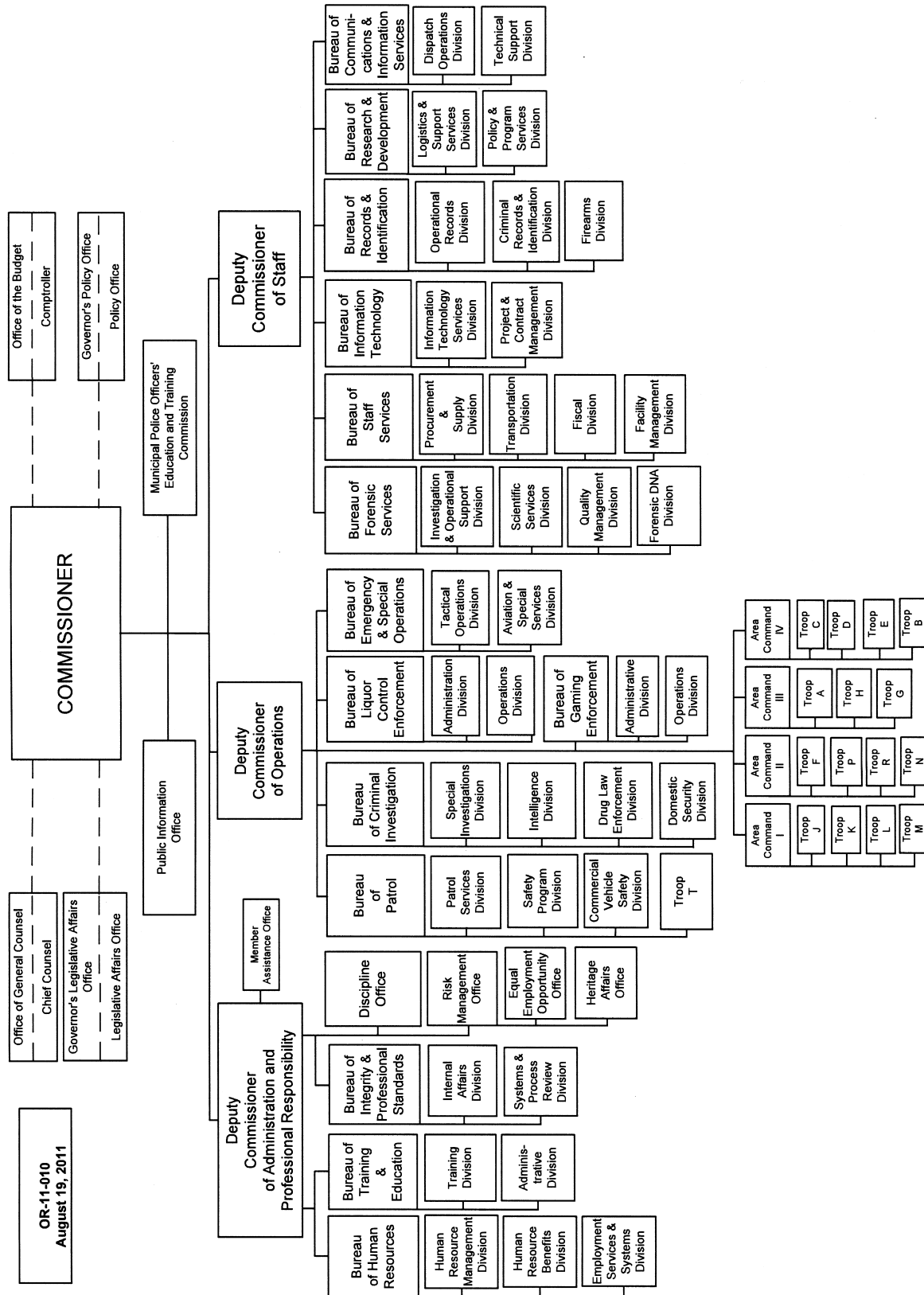


OR-11-012  
August 19, 2011

## HISTORICAL AND MUSEUM COMMISSION



## PENNSYLVANIA STATE POLICE



# NOTICES

## DELAWARE RIVER BASIN COMMISSION

### Meeting and Public Hearing

The Delaware River Basin Commission (Commission) will hold a public hearing on Wednesday, September 21, 2011, at the West Trenton Volunteer Fire Company, 40 West Upper Ferry Road, West Trenton, NJ. The hearing will be part of the Commission's regularly scheduled business meeting, which is open to the public.

The public hearing to be held during the 1:30 p.m. business meeting will not include dockets related to natural gas development projects, nor will the Commissioners consider action on the Draft Natural Gas Development Regulations (draft regulations) published for comment on December 9, 2010. Commission consideration of the draft regulations will occur at a special public meeting to be held on October 21, 2011, at 1 p.m. in the Patriots Theater at the War Memorial, One Memorial Drive, Trenton, NJ. The Commission accepted written comment on the draft regulations through April 15, 2011, and received oral comment during six public hearing sessions in February 2011. The Commissioners and staff are currently reviewing the voluminous comments received (many of which are available for review at [www.drbc.net](http://www.drbc.net)). The public meeting on October 21, 2011, will not include a public hearing. Additional information about the October 21, 2011, meeting will be published separately.

*Items for Public Hearing.* The subjects of the public hearing to be held during the 1:30 p.m. business meeting on September 21, 2011, include the following dockets:

1. *Graterford State Correctional Institution, D-1965-112 CP-2.* An application for the renewal of a groundwater withdrawal (GWD) of up to 36.21 million gallons per month (mgm) to supply the applicant's correctional facility from existing Wells Nos. 1 through 9 completed in the Brunswick Formation. The requested allocation is not an increase from the previous allocation. The wells are located within the Commission's designated Southeastern Pennsylvania Ground Water Protected Area (GWPA) in the Perkiomen Creek Watershed in Skippack Township, Montgomery County, PA.

2. *Boyertown Borough, D-1973-199 CP-3.* An application for the renewal of the existing 0.75 million gallons per day (mgd) Boyertown Borough Wastewater Treatment Plant (WWTP). The WWTP will continue to discharge to the Swamp Creek, which is a tributary of the Perkiomen Creek, a tributary of the Schuylkill River, at River Mile 92.47—32.3—12.9—11.9 (Delaware River—Schuylkill River—Perkiomen River—Swamp Creek), in Douglass Township, Montgomery County, PA.

3. *Parkhouse Providence Pointe, D-2000-040 CP-2.* An application for approval of an existing GWD project to continue to supply up to 8.06 mgm of water to the applicant's public water system from Wells Nos. 2—4. The requested allocation is not an increase from the previous allocation. The wells are located within the Commission's designated GWPA in the Brunswick Formation in the Schuylkill River Watershed in Upper Providence Township, Montgomery County, PA.

4. *Kimberton Golf Club, D-2001-004-2.* An application for the renewal of a GWD of up to 4.34 mgm to supply

the applicant's golf course from Well No. PW-1. The requested allocation is not an increase from the previous allocation. The well is located within the Commission's designated GWPA in the Stockton Formation in the French Creek Watershed in East Vincent Township, Chester County, PA.

5. *Little Washington Wastewater Company, D-2002-042-3.* An application for the renewal of the existing 0.60 mgd White Haven Borough WWTP. The WWTP will continue to discharge treated effluent. The discharge is located within the drainage area of the section of the nontidal Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters. The WWTP will continue to discharge to the Lehigh River at River Mile 183.7—71.9 (Delaware River—Lehigh River) in White Haven Borough, Luzerne County, PA.

6. *Great Wolf Lodge, D-2003-025-3.* An application for the renewal of the existing 0.09 mgd Great Wolf Lodge WWTP and seasonal spray irrigation discharge to 21 of its 96 acres. The WWTP will continue to discharge treated effluent. The discharge is located within the drainage area of the section of the nontidal Delaware River known as the Middle Delaware, which is the Commission has classified as Special Protection Waters. The WWTP will continue to discharge to River Mile 213.0—4.0—1.0—13.15—1.0 (Delaware River—Brodhead Creek—McMichael Creek—Pocono Creek—Scott Run) in Pocono Township, Monroe County, PA.

7. *Chadds Ford Township Sewer Authority, D-2005-022 CP-2.* An application for approval to continue discharging 0.14 mgd of treated effluent from the existing Turner's Mill WWTP. The WWTP will continue to discharge to Harvey Run at River Mile 70.73—1.5—14.6—0.66 (Delaware River—Christiana River—Brandywine Creek—Harvey Run) in Chadds Ford Township, Delaware County, PA.

8. *Sussex County Municipal Utilities Authority, D-2006-006 CP-3.* An application for the renewal of the existing 0.05 mgd Sussex County MUA Hampton Commons WWTP. The discharge is in the drainage area of the nontidal Delaware River known as the Lower Delaware, which is designated as Special Protection Waters. The WWTP will continue to discharge at River Mile 207—37.3—0.5 (Delaware River—Paulins Kill River—Marsh's Farm Creek), in Hampton Township, Sussex County, NJ.

9. *Skytop Golf Lodge, D-2006-013-2.* An application for the renewal of the existing 0.75 mgd Skytop Lodge WWTP. The WWTP will continue to discharge treated effluent. The discharge is located within the drainage area of the section of the nontidal Delaware River known as the Middle Delaware, which the Commission has classified as Special Protection Waters. The WWTP will continue to discharge to River Mile 213—21.2—3.8 (Delaware River—Brodhead Creek—Leavitt Branch) in Barrett Township, Monroe County, PA.

10. *Lafarge North America, D-1975-115-2.* An application for the renewal of the existing 3.215 mgd noncontact cooling water (NCCW) discharge from the Whitehall Cement Manufacturing Facility. The discharge is located within the drainage area of the section of the nontidal Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters. The facility will continue to discharge NCCW to the



Lehigh River at River Mile 183.66—23.7 (Delaware River—Lehigh River), in Whitehall Township, Lehigh County, PA.

11. *Reading Alloys, Inc., D-1979-044-2.* An application to modify the applicant's existing docket to make it consistent with current operations at the facility. The applicant operates a high-purity metals and alloys facility that discharges up to 0.24 mgd of NCCW from three onsite ponds by means of Outfall No. 001. The applicant will continue to discharge NCCW to a UNT of Spring Creek at River Mile 92.47—76.8—6.65—5.9—3.9—1.5 (Delaware River—Schuylkill River—Tulpehocken Creek—Blue Marsh Reservoir—Spring Creek—UNT) in South Heidelberg Township, Berks County, PA.

12. *Kutztown Borough, D-1989-039 CP-2.* An application for approval of upgrades to the Borough of Kutztown WWTP. The upgrades include the addition of phosphorous removal, ultraviolet light (UV) disinfection facilities and additional reed beds. The hydraulic design capacity of the WWTP will remain at 1.5 mgd. The WWTP will continue to discharge to the Sacony Creek, a tributary of the Maiden Creek, which is a tributary of the Schuylkill River, at River Mile 92.5—86.2—2.9—5.4—2.1—7.1 (Delaware River—Schuylkill River—Maiden Creek—Lake Ontelaunee—Maiden Creek—Sacony Creek) in Maxatawny Township, Berks County, PA.

13. *Wyomissing Valley Joint Municipal Authority, D-1991-009 CP-4.* An application for approval of upgrades to the existing 4.0 mgd Joint Municipal Authority of Wyomissing Valley WWTP. The upgrades include replacement of the existing chlorine contact disinfection system with UV disinfection. The WWTP will continue to discharge to River Mile 92.47—75.3—0.2 (Delaware River—Schuylkill River—Wyomissing Creek) in the City of Reading, Berks County, PA.

14. *Delaware County Regional Water Quality Control Authority (DELCORA), D-1992-018 CP-2.* An application for approval to rerate the DELCORA Western Regional WWTP from 44 mgd to 50 mgd. The application includes the design and construction of a 455-foot extension to the existing outfall. The WWTP will continue to discharge to Water Quality Zone 4 of the tidal Delaware River at River Mile 80.7 in the City of Chester, Delaware County, PA.

15. *Newmanstown Water Authority, D-1997-040 CP-2.* An application for the renewal of a GWD of up to 9.579 mgm to supply the Newmanstown Water Authority potable water distribution system from existing Wells Nos. 4 and 5 completed in the Millbach Formation. The requested allocation is not an increase from the previous allocation. The wells are located in the Mill Creek Watershed in Mill Creek Township, Lebanon County, PA.

16. *Limekiln Golf Course, D-2000-017-2.* An application for the renewal of a GWD of up to 5.58 mgm to supply the applicant's golf course from existing Wells Nos. 1 through 4 in the Lockatong and Stockton Formations. The requested allocation is not an increase from the previous allocation. The wells are located within the Commission's designated GWPA in the Little Neshaminy Creek Watershed in Horsham Township, Montgomery County, PA.

17. *MC Resource Development Company, D-2000-065-2.* An application for the renewal of a GWD of up to 7.13 mgm to supply the applicant's bulk water withdrawal and hauling operation from existing Wells Nos. PV-1 and PV-2 completed in the Bloomsburg Formation. The requested allocation is not an increase from the previous allocation. The wells are located in the Indian Run Watershed in East Brunswick Township, Schuylkill County, PA.

18. *Aqua Pennsylvania, Inc., D-2001-050 CP-2.* An application for the renewal of a GWD of up to 18.8 mgm to supply the applicant's public water supply system from six existing wells and to approve the addition of a new well—Meyers Well A—in the Brunswick Formation. The requested allocation is not an increase from the previous system allocation, but will combine the allocations from Dockets Nos. D-1993-011 CP and D-2001-050 CP. The wells are located within the Commission's designated GWPA in the Perkiomen Creek Watershed in Perkiomen Township, Montgomery County, PA.

19. *Westfall Township, D-2002-023 CP-3.* The Commission issued Docket No. D-2002-23 CP-2 on July 16, 2008, approving the Westfall Township Municipal Authority's request to expand its Westfall WWTP from 0.3 mgd to 0.82 mgd. Approved modifications included replacement of the sequencing batch reactor treatment system with a membrane bio-reactor (MBR) system. The applicant currently seeks instead to rerate the existing WWTP to 0.374 mgd and construct a new MBR treatment system. The WWTP will continue to discharge to the Delaware River in Water Quality Zone 1C at River Mile 252.5 within the section of the nontidal Delaware River known as the Middle Delaware, which is classified as Special Protection Waters, in Westfall Township, Pike County, PA.

20. *North Coventry Water Authority, D-2002-047 CP-2.* An application for the renewal of the approval of a water supply interconnection to receive up to 23.56 mgm of potable water by means of an interconnection with Pottstown Borough Authority; and, to withdraw up to 0.495 mgm of groundwater from existing Well No. 2 in the Brunswick Formation, to serve customers in North Coventry and a portion of East Coventry Townships. The total allocation of water from all sources is 24.055 mgm. The well is located within the Commission's designated GWPA in the Pigeon Creek Watershed in North Coventry Township, Chester County, PA.

21. *Lafarge North America, D-1974-189-2.* An application to renew the approval of the withdrawal of ground and surface water up to 70.68 mgm from existing groundwater Wells Nos. 1 and 2 and an existing surface water intake for the applicant's cement manufacturing plant. The project wells are completed in the Jacksonburg Formation and are located in the Coplay Creek and Lehigh River Watersheds within the drainage area of the section of the nontidal Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters. The project site is located in Whitehall Township, Lehigh County, PA.

22. *Drexelbrook Associates, D-2005-028 CP-1.* An application for the approval of a GWD of up to 9.82 mgm to supply the applicant's public water supply system from existing Wells Nos. PW-1 and PW-2 completed in the Wissahickon Formation. The two wells are not currently in use. The wells are located in the Darby Creek Watershed in Upper Darby Township, Delaware County, PA.

23. *Wallenpaupack School District, D-2009-026 CP-1.* An application for the approval of the existing 0.04 mgd Wallenpaupack High School WWTP. The discharge is located within the drainage area of the section of the non-tidal Delaware River known as the Upper Delaware, which the Commission has classified as Special Protection Waters. The WWTP will continue to discharge to River Mile 277.7—15.8—1.4—0.2 (Delaware River—Lackawaxen River—Wallenpaupack Creek—Lake Wallenpaupack), in Palmyra Township, Pike County, PA.

24. *Arkema, Inc. D-2010-041-1.* An application for the approval of a GWD to supply up to 5.58 mgm of water to

the applicant's industrial processing facility from existing Well No. WS-1 in the Upper Raritan Sand Aquifer. The well is located in the Delaware River Watershed in Bristol Township, Bucks County, PA.

25. *Delaware Chenango Madison Otsego BOCES, D-2011-005 CP-1.* An application for approval of the existing 0.01 mgd Delaware-Chenango-Madison-Otsego BOCES, Robert W. Harrold Campus (RWHC) WWTP. Outfall No. 001 will continue to discharge to Trout Creek, which is located above the Cannonsville Reservoir at River Mile 330.71—11.76—9.75—4.83 (Delaware River—West Branch Delaware River—Cannonsville Reservoir—Trout Creek). The facility is located within the drainage area of the section of the nontidal Delaware River known as the Upper Delaware, which is classified as Special Protection Waters. The RWHC WWTP is located in the Town of Masonville, Delaware County, NY.

The draft dockets can be accessed on the web site at drbc.net, 10 days prior to the meeting date. Additional public records relating to the dockets may be examined at the Commission's offices. Contact William Muszynski at (609) 883-9500, Ext. 221, with any docket related questions.

A public hearing will also be held during the 1:30 p.m. business meeting on a resolution authorizing the Executive Director to enter into a contract with The Nature Conservancy for a study of instream flow needs to protect key ecological communities for the range of habitats in the Delaware Basin.

The public is advised that items scheduled for hearing are occasionally postponed to allow more time for the Commissioners to consider them. Check the Commission's web site closer to the meeting date for changes that may be made after the deadline for filing this notice.

*Other Agenda Items.* In addition to the standard business meeting items, consisting of adoption of the Minutes of the Commission's June 28 and July 13, 2011, business meetings, announcements of upcoming meetings and events, a report on hydrologic conditions, reports by the Executive Director and the Commission's General Counsel, public hearings and public dialogue, the business meeting also will include the annual staff report on implementation of the Water Resources Plan for the Delaware River Basin.

*Opportunities to Comment.* Individuals who wish to comment for the record on a hearing item or to address the Commissioners informally during the public dialogue portion of the meeting are asked to sign up in advance by contacting Paula Schmitt of the Commission staff, at paula.schmitt@drbc.state.nj.us or (609) 883-9500, Ext. 224. Written comment on items scheduled for hearing may be submitted in advance of the meeting date to Commission Secretary, P. O. Box 7360, 25 State Police Drive, West Trenton, NJ 08628, fax (609) 883-9522 or paula.schmitt@drbc.state.nj.us. Written comment on dockets should also be furnished directly to the Project Review Section at the previously listed address or fax number or william.muszynski@drbc.state.nj.us.

Individuals in need of an accommodation as provided for in the Americans with Disabilities Act of 1990 who wish to attend the informational meeting, conference session or hearings should contact the Commission Secretary directly at (609) 883-9500, Ext. 203 or through the Telecommunications Relay Services (TRS) at 711, to discuss how the Commission can accommodate their needs.

PAMELA M. BUSH, Esq.,  
Secretary

[Pa.B. Doc. No. 11-1555. Filed for public inspection September 9, 2011, 9:00 a.m.]

## DEPARTMENT OF BANKING

### Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending August 23, 2011.

Under section 503.E of the Department of Banking Code (71 P. S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file their comments in writing with the Department of Banking, Corporate Applications Division, 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, contact the Corporate Applications Division at (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

### BANKING INSTITUTIONS

#### Branch Applications

#### De Novo Branches

Date	Name and Location of Applicant	Location of Branch	Action
8-15-2011	PeoplesBank, A Codorus Valley Company Glen Rock York County	535 Old Westminster Pike Suite 101 West Minster, MD	Opened

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
8-18-2011	Ambler Savings Bank Ambler Montgomery County	1120 Meetinghouse Road Gwynedd Montgomery County (Limited Service Facility)	Approved
8-18-2011	Ambler Savings Bank Ambler Montgomery County	9000 Twin Silo Drive Blue Bell Montgomery County (Limited Service Facility)	Approved
8-18-2011	Ambler Savings Bank Ambler Montgomery County	3205 Skippack Pike Worcester Montgomery County (Limited Service Facility)	Approved

**Branch Discontinuances**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
8-11-2011	Northwest Savings Bank Warren Warren County	104 North Centre Street Pottsville Schuylkill County	Filed
8-18-2011	Firsttrust Savings Bank Conshohocken Montgomery County	701 Hamilton Mall Allentown Lehigh County	Filed

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS**

No activity.

The Department's web site at [www.banking.state.pa.us](http://www.banking.state.pa.us) includes public notices for more recently filed applications.

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 11-1556. Filed for public inspection September 9, 2011, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, actions and special notices

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#### APPLICATIONS

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#### THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications concern, but are not limited to, discharges regarding industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFO). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Waste; Discharge into Groundwater
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits



For NPDES renewal applications in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements.

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 Individual Permits and Individual Stormwater Construction Permits in Sections IV and VI, the Department, based upon preliminary reviews, has made tentative determinations of proposed effluent limitations and other terms and conditions for the permit applications. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the United States Environmental Protection Agency (EPA) Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

Persons wishing to comment on NPDES applications are invited to submit statements to the contact office noted before the application within 30 days from the date of this public notice. Persons wishing to comment on WQM permit applications are invited to submit statements to the office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the applications. A comment submittal should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests for public hearings on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after a public hearing is held.

Persons with a disability who require an auxiliary aid, service, including TDD users, or other accommodations to seek additional information should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

## I. NPDES Renewal Applications

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed#)	EPA Waived Y/N?
PA0091189 (Sewage)	Slippery Rock Campground 1150 West Park Road Slippery Rock, PA 16057	Butler County Worth Township	Slippery Rock Creek 20-C	Y
PA002041 (Sewage)	Johnsonburg Boro Municipal Authority	Johnsonburg Borough Elk County	Clarion River 17-B	Y

## II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Non-Waived Permit Applications

*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401*

**PA0055671**, Sewage, SIC Code 4952, **Worcester Township**, 1721 Valley Forge Road, Worcester, PA 19490-0767. Facility Name: Berwick Place STP. This existing facility is located in Worcester Township, **Montgomery County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Unnamed Tributary to Skippack Creek, is located in State Water Plan watershed 3-E and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.15 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly Report	Weekly Average Report Daily Max	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
CBOD <sub>5</sub>	12.5	18.8	XXX	10	15	20
Total Suspended Solids	12.5	18.8	XXX	10	15	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1000*
				Geo Mean		
Nitrate-Nitrite as N	12.5	18.8	XXX	10	15	20
Ammonia-Nitrogen						
May 1 - Oct 31	1.9	2.9	XXX	1.5	2.3	3.0
Nov 1 - Apr 30	3.8	5.6	XXX	3.0	4.5	6.0

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Total Phosphorus	1.9	XXX	XXX	1.5	XXX	3.0
Copper, Total	XXX	XXX	XXX	Report	XXX	XXX

\* Shall not exceed in more than 10 percent of samples.

In addition, the permit contains the following major special conditions:

Applicable TMDL/WLA Analysis  
Develop Operations and Maintenance Plan.  
Fecal Requirements per DRBC

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is in effect.

**PA0057991**, Sewage, **Bela Rossmann dba Rothstein Tract Homeowners Association**, P. O. Box 950, Doylestown, PA 18901. This facility is located in Doylestown Township, **Bucks County**.

Description of Proposed Activity: Application for the renewal of an NPDES permit to discharge treated sewage from a five-lot subdivision located at 1355 Pebble Hill Road.

The receiving stream, Neshaminy Creek, is in the State Water Plan watershed 2F and is classified for: TSF, MF, aquatic life, water supply, and recreation. The nearest downstream public water supply intake is for AQUA PA, INC. located on Neshaminy Creek. The discharge is not expected to affect the downstream public water supply.

The proposed effluent limits for Outfall 001 are based on a design flow of 3,000 gallons per day.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum mg/l</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
CBOD <sub>5</sub> (5-1 to 10-31)			15		30
(11-1 to 4-30)			25		50
Total Suspended Solids			30		60
Ammonia as N (5-1 to 10-31)			2.0		4.0
(11-1 to 4-30)			6.0		12
Total Residual Chlorine			0.5		1.2
Phosphorus as P			Monitor/ Report		
Dissolved Oxygen			Minimum of 5.0 mg/l at all times		
pH			Within limits of 6.0 to 9.0 Standard		
			Units at all times		
Fecal Coliform			200 #/100 ml as a geometric mean, nor greater than 1,000 #/100 ml		

In addition to the effluent limits, the permit contains the following major special conditions:

1. Designated Responsible Operator
2. Abandon STP when Public Sewer Available
3. Remedial Measures if Public Nuisance
4. No Stormwater to Sewers
5. Obtain Property Rights
6. Change of Ownership
7. Residual Chlorine Dosages
8. Proper Sludge Disposal
9. Operator Training
10. I-Max Limits
11. Laboratory Certification

*Southwest Regional Office: Regional Manager, Water Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; 412-442-4000*

**PA0030406**, Sewage, **PA Department of Corrections**, Laurel Highlands State Correctional Institution, P. O. Box 631, 5706 Glades Pike, Somerset, PA 15501-0631. Facility Name: SCI at Laurel Highlands. This existing facility is located in Somerset Township, **Somerset County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream is an Unnamed Tributary to the East Branch Coxes Creek, which is located in State Water Plan watershed 19-F and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.50 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Weekly Average	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	0.50	Report Daily	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	Max XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
CBOD <sub>5</sub>	104.2	158.4	XXX	25	38	50
Total Suspended Solids	125.2	187.8	XXX	30	Wkly Avg 45	60
Fecal Coliform (CFU/100 ml)					Wkly Avg	
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2000	XXX	10000
Ammonia-Nitrogen				Geo Mean		
May 1 - Oct 31	8.3	12.5	XXX	2.0	3.0	4.0
Nov 1 - Apr 30	12.5	18.8	XXX	3.0	Wkly Avg 4.5	6.0
Total Copper	XXX	XXX	XXX	0.04	0.06	0.08
Total Iron	XXX	XXX	XXX	3.0	4.5	6.0
Total Manganese	XXX	XXX	XXX	3.5	5.2	7.0
Total Thallium	XXX	XXX	XXX	0.006	0.009	0.015
Phenol	XXX	XXX	XXX	0.015	0.026	0.037
a-Terpineol	XXX	XXX	XXX	0.016	0.033	0.040
Benzoic Acid	XXX	XXX	XXX	0.071	0.120	0.150
p-Cresol	XXX	XXX	XXX	0.014	0.025	0.035

The EPA Waiver is in effect.

### III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790*

**WQM Permit No. 5211402**, Sewerage, **Municipal Authority of the Township of Westfall**, 155 Westfall Town Drive, PO Box 235, Matamoras, PA 18336.

This proposed facility is located in Westfall Twp., **Pike County**, PA.

Description of Proposed Action/Activity: This project involves re-rating the capacity of Westfall Township Municipal Authority's existing sewage treatment plant from 0.300 MGD to 0.374 MGD and sewer system improvements consisting of the following: construction of a new Westfall Main Pump Station to convey sewage to the treatment plant; addition of a new parallel force main, and decommissioning of existing Westfall #1 Pump Station.

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**WQM Permit No. 1111402**, Sewerage, **Johnstown Redevelopment Authority**, 4th Floor Public Safety Building, 401 Washington Street, Johnstown, PA 15901

This proposed facility is located in the City of Johnstown, **Cambria County**

Description of Proposed Action/Activity: Application for the construction and operation of a sewer system.

**WQM Permit No. 1111403**, Sewerage, **Brownstown Borough**, 350 Habicht Street, Johnstown, PA 15906-3131

This proposed facility is located in Brownstown Borough, **Cambria County**

Description of Proposed Action/Activity: Application for the construction and operation of a sewer system.

The Pennsylvania Infrastructure Investment Authority (Pennvest) which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

**WQM Permit No. 0211405**, Sewerage, **Pleasant Hills Authority**, 610 Old Clairton Road, Pittsburgh, PA 15236

This proposed facility is located in Pleasant Hills Borough, **Allegheny County**

Description of Proposed Action/Activity: Application for the construction and operation of a pump station.

**IV. NPDES Applications for Stormwater Discharges from MS4****V. Applications for NPDES Waiver Stormwater Discharges from MS4****VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities**

*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 151125	Exeter 322 Phoenixville, LP 2260 Butler Pike, Suite 200 Plymouth Meeting, PA 19462	Chester	Charlestown Township	Valley Creek (EV)
PAS10-G464-R1	Trammell Crow Development 300 Conshohocken State Road West Conshohocken, PA 19428	Chester	East Whiteland— Tredyffrin Townships	Cedar Hollow Run/Valley Creek (EV)
PAI01 231003 Phase 2	YMCA of Philadelphia 2000 Market Street, Suite 750 Philadelphia, PA 19103-3214	Delaware	Haverford Township	Cobbs Creek (WWF-MF)

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024511010	PPL Electric Utilities Co. 2 North Ninth Street GENN4 Allentown, PA 18101	Monroe	Chestnuthill Twp. and Polk Twp.	Pohopoco Creek, CWF, MF; Unnamed Tributary to Pohopoco Creek, CWF, MF; Middle Creek, CWF, MF; Unnamed Tributary to Middle Creek, HQ-CWF, MF; Jonas Creek, EV; Unnamed Tributary to Jonas Creek, EV
PAI023906001(R)	Majestic Lehigh Valley West, LP 3001 Commerce Center Blvd. Bethlehem, PA 18015	Lehigh	Upper Macungie Twp.	Iron Run, HQ-CWF, MF

**VII. List of NOIs for NPDES and/or Other General Permit Types**

PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

## STATE CONSERVATION COMMISSION

### NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge actions, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

#### NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal / New</i>
Scattered Acres Inc. Edward Hartman 209 Hartman Road Reading, PA 19605	Lancaster	85.3	1494.25	Dairy	NA	New

### PUBLIC WATER SUPPLY (PWS) PERMITS

Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17), the following parties have applied for PWS permits to construct or substantially modify public water systems.

Persons wishing to comment on permit applications are invited to submit statements to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding an application. A comment should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and related documents are on file at the office listed before the application and available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

#### SAFE DRINKING WATER

##### Applications Received Under the Pennsylvania Safe Drinking Water Act

*Northeast Region: Water Supply Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790*

##### Application No. 3511502, Public Water Supply.

Applicant	<b>Natures Way Purewater Systems, Inc</b> 490 N. Main St Pittston, Pa
[Township or Borough]	Covington Twp, <b>Lackawanna</b>
Responsible Official	George Albert
Type of Facility	Bottled water

Consulting Engineer	EarthRes Group Inc. PO Box 468 6912 Old Easton Rd Pipersville, Pa
Application Received Date	3/8/2011
Description of Action	The addition of a spring source, Covington springs BH1, for the bottling plant in Pittston.

##### Application No. 5411503, Public Water Supply.

Applicant	<b>Forest Springs Water Co.</b> 1703 Panther Valley Road Pine Grove, Pa 17963
[Township or Borough]	Wayne Twp., <b>Schuylkill County</b>
Responsible Official	Jackson Perry
Type of Facility	Bulk Water Hauling
Consulting Engineer	Forino Co., LP 555 Mountain Home Rd Sinking Spring, PA 19608
Application Received Date	5/13/2011
Description of Action	The replacement of the existing UV disinfection system with a unit demonstrated for log 4 treatment. The upgraded UV unit is installed at the Forest Springs bulk water hauling station.

*Northeast Region: Water Supply Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790*

##### Application No. 4011508, Public Water Supply.

Applicant	<b>Aqua Pennsylvania Inc.</b> 1 Aqua Way White Haven, Pa
[Township or Borough]	Dallas Twp, <b>Luzerne County</b>
Responsible Official	Patrick Burke
Type of Facility	Public Water System
Consulting Engineer	CET Engineering Services 1240 N. Mountain Rd Harrisburg, Pa
Application Received Date	8/8/11
Description of Action	The construction of a booster pump station for the Midway Manor water system.



*Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

**Application No. 4111502—Construction Public Water Supply.**

Applicant	<b>Pinecrest Village MHP</b>
[Township or Borough]	Eldred Township
County	<b>Lycoming</b>
Responsible Official	Terry W. Knittle, Owner Pinecrest Village MHP 24 Pinecrest Drive Williamsport, PA 17701
Type of Facility	Public Water Supply
Consulting Engineer	Thomas M. Levine, P.E. Levine Engineering, LLC 1108 13th Avenue P. O. Box 429 Altoona, PA 1603
Application Received	August 25, 2011
Description of Action	Add a three-step cartridge filtration system for the existing drilled Well #7.

**MINOR AMENDMENT**

**Applications Received Under the Pennsylvania Safe Drinking Water Act**

*Northeast Region: Water Supply Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790*

**Application No. 5411504MA, Minor Amendment.**

Applicant	<b>Aqua Pennsylvania Inc.</b> 1 Aqua Way White Haven, Pa 18661
[Township or Borough]	East Union Twp., <b>Schuylkill Co.</b>
Responsible Official	Joshua Shoff
Type of Facility	Public Water System
Consulting Engineer	CET Engineering Services 1240 N. Mountain Rd Harrisburg, Pa
Application Received Date	6/20/2011
Description of Action	The construction of a new building to house the greensand filtration system at Oneida well 2.

**Application No. 5411505MA, Minor Amendment.**

Applicant	<b>Aqua Pennsylvania Inc.</b> 1 Aqua Way White Haven, Pa 18661
[Township or Borough]	East Union Twp., <b>Schuylkill Co.</b>
Responsible Official	Joshua Shoff
Type of Facility	Public Water System
Consulting Engineer	CET Engineering Services 1240 N. Mountain Rd Harrisburg, Pa
Application Received Date	7/15/2011

Description of Action	The interconnection of the Oneida and Cove Village water systems.
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**Application No. 3911505MA, Minor Amendment.**

Applicant	<b>Nestle Waters North America Inc.</b> 305 Nestle Way Breinigsville, Pa
[Township or Borough]	Upper Macungie Twp, Lehigh Twp
Responsible Official	Michael Franceschetti
Type of Facility	Bottling Plant
Consulting Engineer	Forino Co. LP 555 Mountain Home Rd Sinking Spring, Pa
Application Received Date	7/6/11
Description of Action	The installation of four UV units to provide duplicity for log 4 treatment.

**SEWAGE FACILITIES ACT**

**Notice Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)**

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

*Project Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
City of Titusville	Spring Street, Titusville, PA 16354	Crawford

*Project Description:* Expansion of the Titusville WWTP for treatment of sewage flows from the City of Titusville and portions of Oil Creek Township. This will be accomplished by utilizing the ABJ SBR System by replacing the batch system with the ICEAS process in the existing four tanks and constructing one new ICEAS tank. The plan also includes updating the sludge dewatering system improving the headworks facility and making other repairs to the WWTP.

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995**

**PREAMBLE 1**

**Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907)**

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to

Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup standards or receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the following site, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified as follows. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office listed before the notice. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

*Northeast Region: Eric Supey, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**Scottfield Stables**, 120 Scottfield Street, Forest Lake Township, **Susquehanna County**. Dawn L. Washo, Resource Environmental Management, Inc., 36 Taylor Lane, Montrose, PA 18801 has submitted a Notice of Intent to Remediate (on behalf of her clients, Graydon and Lucille Frazier, 12429 Forest Lake Road, Montrose, PA 18801), concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a release from a 4,000-gallon underground storage tank, which was discovered during the tank's removal process. The applicant proposes to remediate the site to meet the Residential Statewide Health Standard for soil. The property will remain residential/commercial. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Marsh Run Park/ New Cumberland Army Depot Landfill**, Mifflin Avenue and Marsh Run Road, New Cumberland, PA 17070, Fairview Township, **York County**.

EA Engineering, Science and Technology, 1 Marketway West, Suite 4C, York, PA 17401, on behalf of U.S. Army Corps of Engineers, PO Box 1715, Baltimore, MD, 21203, submitted a revised Notice of Intent to Remediate site soils and groundwater contaminated with chlorinated solvents. The site will be remediated to the Site Specific and Statewide Health Standards. Future use of the site is unknown.

*Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745*

**Maraney's Diamond Detailing**, Carmichaels Borough, **Greene County**. Todd Johnson, Johnson Law PLLC, P. O. Box 519, Morgantown, WV 26507 has submitted a Notice of Intent to Remediate. The property has four underground storage tanks; three 6,000 gallon tanks used for gasoline and one 550 gallon tank for waste oil. The tanks were emptied prior to 1988 and have not been used since. After removal of the tanks and associated piping, the property will remain nonresidential.

#### MUNICIPAL WASTE GENERAL PERMITS

**Permit Proposed Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and the Beneficial Use of Municipal Waste.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit Application No. WMGM042. Penn England, LLC.**, 10341 Fox Run Rd., Williamsburg, PA 16693.

The Department of Environmental Protection, Bureau of Waste Management, proposes to authorize, under General Permit WMGM042 the processing (mixing or blending) of (i) animal manure, (ii) grease trap waste (collected from restaurants, grocery stores, and/or facility preparing cleaning up from food service), (iii) pre-consumer food scraps from food markets, grocery stores, food banks, food distribution centers, school cafeterias and (iv) wastewater from a dairy parlor/farm for beneficial use as follows:

1. The methane gas generated by an anaerobic digestion of mixture of wastes may be beneficially used as an alternative fuel for the electric generator to produce electricity that will be:

- a. Used by the permittee for daily needs at the farm.
- b. Transmitted to the local electric utility grid for consumer use.
- c. Distributed for direct consumer use.

2. The waste solids removed from the digester may be beneficially used as an animal bedding material at the farm; and

3. The liquid wastewater removed from the digester may be beneficially used a soil additive for agricultural purposes.

Comments concerning the application should be directed to Scott Walters, Chief, General Permits and Beneficial Use Section, Division of Municipal and Re-



sidual waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, 717-787-7381. Persons interested in obtaining more information, or obtaining copies of, the proposed general permit may contact the Division of Municipal and Residual Waste at the above phone number. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend additional conditions or revisions to or approval or denial of the proposed general permit.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS NEW SOURCES AND MODIFICATIONS

The Department has developed an "integrated" plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department received applications for Plan Approvals or Operating Permits from the following facilities.

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office listed before the applications. Persons interested in reviewing the application files should contact the appropriate regional office to schedule appointments.

Persons wishing to receive a copy of a proposed Plan Approval or Operating Permit shall indicate interests to the Department regional office within 30 days of the date of this notice and shall file protests or comments on a proposed Plan Approval or Operating Permit within 30 days of the Department providing a copy of the proposed documents to persons or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that hearings be held concerning a proposed Plan Approval or Operating Permit. A comment or protest filed with the Department regional office shall include a concise statement of the objections to the issuance of the Plan Approval or Operating Permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

## PLAN APPROVALS

**Plan Approval Applications Received under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507*

**58-329-037: Tennessee Gas Pipeline Co.** (PO Box 2511, S1102A, Houston, TX 77252-2511) for construction of a new gas turbine at their facility in Clifford Township, Susquehanna County.

**Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401*

*Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920*

**15-0090D: NE Opco, Inc.—dba National Envelope** (303 Eagleview Boulevard Exton, PA 19341) for installation and addition of three (3) Winkle and Dunnebier WD627 flexographic printing presses at their existing facility in Uwchlan Township, **Chester County**. To make floor space for these three presses, three (3) WD527s will be removed. Actual emissions of VOCs and HAPs are expected to increase by 1.8 and 0.4 tons per year respectively. The facility will continue to comply with its current synthetic minor emission limits of 24.66 tons of VOCs, 12.62 tons of total HAPS, and 9.9 tons of any individual HAP, each on a 12 consecutive month basis. The facility is not subject to the Greenhouse Gas regulations. Appropriate monitoring and recordkeeping requirements have been incorporated into this plan approval.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**41-00082A: PPL Renewable Energy, LLC** (2 North Ninth Street, Allentown, PA 18101), for the construction of a landfill gas-to-energy plant consisting of four (4) 1.6 megawatt CAT model G3520C lean burn landfill gas fired engine/generators at the Lycoming County Landfill located in Brady Township, **Lycoming County**. The proposed landfill gas-to-energy plant will replace the one currently owned and operated by the Lycoming County Resource Management Services.

The Department's review of the information submitted by PPL Renewable Energy, LLC indicates that the proposed project will meet all applicable air quality regulatory requirements pertaining to air contamination sources and the emission of air contaminants, including the fugitive particulate matter emission limitation of 25 Pa. Code Section 123.1, the particulate matter emission limitation of 25 Pa. Code § 123.13, the sulfur oxides emission limitation of 25 Pa. Code § 123.21, Subpart JJJJ of the Federal Standards of Performance for Station-

ary Spark Ignition Internal Combustion Engines 40 CFR 60.4230—60.4248, Subpart ZZZZ of the National Emission Standards for Hazardous Air Pollutants—Stationary Reciprocating Engines 40 CFR 63.6580—60.6675 and the Best Available Technology requirements of 25 Pa. Code §§ 127.1 and 127.12. Based on these findings, the Department intends to issue a plan approval for the proposed construction and operation of the landfill gas to energy plant. Additionally, if the Department determines that the sources are operating in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into a Title V operating permit via an administrative amendment pursuant to 25 Pa. Code § 127.450.

Based upon this finding, the Department proposes to issue a plan approval for the construction of the landfill gas-to-energy plant. The following is a summary of the conditions the Department proposes to place in the plan approval to be issued to ensure compliance with all applicable regulatory requirements:

1. In accordance with the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, Source IDs P110, P120, P130 and P140 are 1,600 kilowatt Caterpillar model G3520C lean burn landfill gas fired engines.

2. Compliance with this condition assures compliance with the provisions of 40 CFR Part 60 Subpart JJJJ Section 60.4231. In accordance with the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the carbon monoxide (CO) emissions from each of the engines shall not exceed 3.10 grams per brake horsepower hour. The total CO emissions from all four engines shall not exceed 249 tons in any 12 consecutive month period.

3. Compliance with this condition assures compliance with the provisions of 40 CFR Part 60 Subpart JJJJ Section 60.4231. In accordance with the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the nitrogen oxides (NOx) emissions from each engine shall not exceed 1.0 grams per brake horsepower hour and 21.56 tons in any 12 consecutive month period.

4. Compliance with this condition assures compliance with the provisions of 25 Pa. Code Section 123.13. In accordance with the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the total particulate matter (PM) emissions from each engine shall not exceed 5.18 pounds per hour and 22.71 tons in any 12 consecutive month period.

5. Compliance with this condition assures compliance with the provisions of 40 CFR Part 60 Subpart JJJJ Section 60.4231. In accordance with the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the volatile organic compound (VOC) emissions from each of the engines shall not exceed 1.90 pounds per hour and 8.32 tons in any 12 consecutive month period.

6. In accordance with the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the formaldehyde emissions from each of the engines shall not exceed 1.90 pounds per hour and 8.32 tons in any 12 consecutive month period.

7. In accordance with the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the non-methane organic hydrocarbon (NMOC) emissions from each of the engines shall not exceed 20 ppmv as hexane corrected to 3% oxygen.

8. In accordance with the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the

sulfur oxides (SOx) emissions from each of the engines shall not exceed 3.88 pounds per hour and 16.99 tons in any 12 consecutive month period.

9. Within 180 days of initial operation of each engine, the permittee shall perform nitrogen oxides (NOx), carbon monoxide (CO), volatile organic compounds (VOCs), non-methane organic hydrocarbons (NMOC), formaldehyde, particulate matter and sulfur oxides (SOx) testing on the exhaust of the engine to determine compliance with the emission limitations for the engine. The testing shall be performed while the engine is operating at its maximum rate.

10. (a) At least sixty (60) days prior to the performance of the stack testing required by this plan approval, a test plan shall be submitted to the Department for evaluation. The plan shall contain a description of the proposed test methods and dimensioned drawings or sketches showing the test port locations.

(b) The Department shall be given at least fifteen (15) days advance notice of the scheduled dates for the performance of the stack testing required by this plan approval.

(c) Within sixty (60) days of the completion of the stack tests required by this plan approval, two copies of the test report shall be submitted to the Department. This report shall contain the results of the tests, a description of the testing and analytical procedures actually used in performance of the tests, all process and operating data collected during the tests, a copy of all raw data, and a copy of all calculations generated during data analysis.

11. In accordance with the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall monitor the amount of landfill gas being burned by each engine. Additionally, the permittee shall equip each engine with instrumentation capable of monitoring the exhaust temperature of the engine.

12. The permittee shall perform an annual adjustment and/or tune-up on each engine which shall include the following:

(a) Inspection, adjustment, cleaning or replacement of combustion equipment, including stationary and moving parts necessary for proper operation as specified by the manufacturer.

(b) Performance and documentation of annual maintenance or inspections necessary to ensure proper operations to minimize emissions of NOx, and to the extent practicable minimize emissions of CO.

(c) Sampling of the final NOx and CO emission rates. This sampling shall be conducted with portable metering equipment in accordance with applicable manufacturer's calibrating and operating procedures.

13. The permittee shall maintain records of the following:

(a) the amount of landfill gas being burned in each of the four engines on a daily basis.

(b) the exhaust temperature of each of the engines on a daily basis.

(c) the NOx, CO, PM, VOC, NMOC, formaldehyde and SOx emissions each month and the corresponding 12 consecutive month totals to verify compliance with the applicable emission limitations.

(d) the dates and status of any tuning procedures done on the engines.

(e) The number of hours each engine is in operation each month.

14. In accordance with the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the landfill gas generated by the Lycoming County Landfill shall be burned in the engines. Any time that the engines are not in operation, or more gas is generated than is capable of being burned by the engines, the landfill gas shall be controlled by the flares owned and operated by the Lycoming County Resource Management Services (LCRMS) and the flare(s) shall be operated in compliance with the terms and conditions of operating permit TVOP 41-00025. Under no circumstances shall the gas be vented directly to the atmosphere.

15. In accordance with the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the four 1,600 kilowatt Caterpillar model G3520C lean burn landfill gas fired engines shall not be operated in excess of a total of 32,634 hours in any 12 consecutive month period.

16. The permittee shall submit a semi-annual report to the Department of the following:

(a) the NO<sub>x</sub>, CO, PM, VOC, NMOC, formaldehyde and SO<sub>x</sub> emissions each of the previous 6 months and the corresponding 12 consecutive month totals.

(b) the amount of landfill gas burned in each of the engines in the previous 6 months and the corresponding 12 consecutive month totals.

(c) the amount of hours each month that the engine individually was in operation the previous 6 months and the corresponding 12 consecutive month totals.

A copy of the plan approval application is available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling the Department at 570-327-3693. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Manager, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3648.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**30-00208: Alternate Energy, LLC** (308 Dents Run Road Morgantown, WV 26501) to construct a coal fine briquetting plant on the site of the former Consol Energy Robena mine and preparation plant at their facility in Monongahela Township, **Greene County**, Pennsylvania.

In accordance with 25 Pa. Code §§ 127.44—127.46 that the Department of Environmental Protection (DEP) intends to issue Air Quality Plan Approval, PA-30-00208, to allow the construction and initial temporary operation of the facility.

Potential emissions from the facility are estimated to be 62 tons of particulate matter (PM) and 52 tons particulate matter (PM<sub>10</sub>), 0.3 tons of particulate matter (PM<sub>2.5</sub>), 0.2 tons of SO<sub>2</sub>, 1.2 tons of VOC, 10.5 tons of NO<sub>x</sub> and 17.6 tons of CO per year. Best available technology (BAT) for the proposed sources includes the installation of two dust collectors CAMCORP of capacity 117,954 SCFM and 52,570 SCFM to control the air emissions, proper

operation, and maintenance. The authorization is subject to appropriate regulatory standards including limitations on visible fugitive and malodors emissions as well as work practice, maintenance, stack testing, monitoring, record keeping, and reporting conditions. Once compliance with the Plan Approval is demonstrated, the applicant will subsequently apply for a State Only Operating Permit in accordance with Pa. Code Title 25 Subchapter F.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to Mark A. Wayner, PE Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222. Each written comment must contain the following:

Name, address and telephone number of the person submitting the comments.

Identification of the proposed Plan Approval (PA-30-00208).

Concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval.

All comments must be received prior to the close of business 30 days after the date of this publication. For additional information you may contact Jesse Parihar at 412-442-4030.

## OPERATING PERMITS

### **Intent to Issue Title V Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.**

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174*

**30-00110: Equitrans LP** (625 Liberty Ave., Pittsburgh, PA 15222) to renew a Title V Operating Permit 30-00110 to continue to operate their Pratt Compressor Station Franklin Township, **Greene County**.

In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Pennsylvania Department of Environmental Protection (DEP) intends to renew Title V Operating Permit TVOP-30-00110 to authorize Equitrans to continue to operate the Pratt Compressor Station located in Franklin Township, Greene County.

The Pratt Station is a natural gas transmission facility consisting of five (5) Cooper-Bessemer reciprocating internal combustion compression engines, one (1) natural gas-fired electric generators, two (2) dehydration units and several small miscellaneous combustion units.

Emissions from the facility shall not equal or exceed 100 tons NO<sub>x</sub>, 100 tons CO, 42 tons VOCs, 6.6 tons formaldehyde, and 10 tons all HAPs combined, on a 12-month rolling total basis. The facility is subject to applicable Federal requirements and PA Code Title 25 Chapters 121 through 145. TVOP-30-00110 will include conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting and work practice standards. In accordance with PA Code Title 25 § 127.503(8), TVOP-30-00110 includes a compliance plan requiring Equitrans to submit appropriate information to revise the hours of operation restriction, to remove the



VOC emission limits, and to restrict the allowable NOx emission limits contained in the NOx RACT OP-30-000-110.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Operating Permit may submit the information to Barbara Hatch Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222. Written comments must contain the following:

Name, address and telephone number of the person submitting the comments,

Identification of the proposed Operating Permit (specify TVOP-30-00110), and

Concise statements regarding the relevancy of the information or objections to issuance of TVOP-30-00110.

All comments must be received prior to the close of business 30 days after the date of this publication.

### **Intent to Issue Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920*

**15-00137: Johnson Matthey, Inc.** (498 Acorn Lane, Downingtown, PA 19335) for a State-Only, Synthetic Minor Operating Permit in Downingtown, **Chester County**. Johnson Matthey manufactures automotive glass enamel and silver conductive pastes for the automotive glass industry, and decorative ceramic and glass enamel pastes for ceramic glass decoration. This facility is a Synthetic Minor facility. Emissions from this facility consist of Volatile Organic Compounds and Hazardous Air Pollutants. This is an initial State Only Operating Permit for this facility. The Operating Permit will contain monitoring, recordkeeping, and reporting requirements designed to address all applicable air quality requirements.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935*

**01-05035: Tucker Industrial Liquid Coating, Inc.** (407 North Avenue, East Berlin, PA 17316) operation of two (2) conveyor painting lines, two (2) overhang carry painting lines, two (2) spray booths, facility pretreatment wash operations and a cure oven at their facility in East Berlin Borough, **Adams County**.

In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the above-mentioned facility.

The actual annual emissions based on 2010 data were approximately 14.76 tons of VOC and 0.49 tons of HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping, and reporting requirements to ensure the facility complies with the applicable air quality regulations.

The company shall be subject to and comply with 25 Pa Code §§ 127.11, 123.1, 123.2, 123.41, 123.31, 127.1, 129.52

and 40 CFR Part 63 Subpart M—National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110. They can also be found online at:

[http://www.portal.state.pa.us/portal/server.pt/community/southcentral\\_regional\\_office/13781/community\\_information/592731](http://www.portal.state.pa.us/portal/server.pt/community/southcentral_regional_office/13781/community_information/592731)

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, by filing a written protest with the Department at the address listed above. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.

- Identification of the proposed permit by the permit number listed above.

- A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *PA Bulletin*, will exist for the submission of comments or protests, or for requests for a public hearing. A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received.

Thomas J. Hanlon, P.E., East Permitting Section Chief may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments, protests or requests for a public hearing.

Permits issued to sources identified in 25 Pa. Code § 127.44(b)(1)—(4) or permits issued to sources with limitations on the potential to emit used to avoid otherwise applicable Federal requirements may become part of the SIP, and will be submitted to the EPA for review and approval.

**21-05055: Frog Switch & Manufacturing Company** (600 East High Street, Carlisle, PA 17013) for their steel foundry in Carlisle Borough, **Cumberland County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue a renewal of an Air Quality Operating Permit for the abovementioned facility. The subject facility has the following actual emissions: 34 TPY of CO; 31 TPY of PM10; 25 TPY of VOC; 8 TPY of NOx; 4 TPY of SOx; 4 TPY of manganese; and 5 TPY of aggregate HAPs. The Operating Permit will include emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable air quality regulations. Both electric arc furnaces (Source IDs 112 and 113) and furnace charging operations (Source ID 148) are subject to 40 CFR Part 63, Subpart ZZZZZ—National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the following:

Name, address and telephone number of the person submitting the comments.

Identification of the proposed permit by the permit number listed above.

A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period from the date of publication of this notice in the *PA Bulletin* will exist for the submission of comments or protests.

Daniel C. Husted, P.E., Chief, West Permitting Section, may be contacted at 717-705-4863, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174*

**65-00793: Wilson Scrap Metals Inc.** (330 Wilson Lane, Saltsburg, PA 15681) to authorize continued operation of a metal smelting and refining facility in the Bell Township, **Westmoreland County**.

In accordance with 25 Pa Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) gives notice that they intend to issue a State Only Operating Permit (SOOP) renewal to Wilson Scrap Metals Inc. to authorize the continued operation of a metal smelting and refining facility located in the Bell Township, Westmoreland County. The facility consists of a rotary sweat furnace and an aluminum melting furnace. The sweat furnace uses indirect heat transfer to separate the desired metals from ferrous. The metals are then poured into ingot forms and cooled until they solidify. The charging end is equipped with a cyclone to capture >10micron particles before exhausting to an afterburner. The discharge end of the furnace is equipped with another cyclone as well as a baghouse to collect the metallic particulates. The other furnace is used to melt clean aluminum automobile wheel stock. It is equipped with an afterburner to combust any remaining unburned hydrocarbons. Emissions from this facility are less than 1 ton per year of PM, 1 ton per year of VOCs and 1 ton per year of HAPs. The proposed SOOP renewal contains conditions relating to monitoring, recordkeeping and work practice standards.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Operating Permit renewal may submit the information to Barbara Hatch, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222, and 412-442-5226. Written comments must contain the following:

Name, address and telephone number of the person submitting the comments,

Identification of the proposed Operating Permit (SOOP-65-00793), and

Concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

All comments must be received prior to the close of business 30 days after the date of this publication.

**03-00245: T.J.S. Mining Inc.** (301 Market Street, Kittanning, PA 16201) In accordance with 25 Pa Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) gives notice that they intend to issue a State Only Operating Permit (SOOP) to T.J.S. Mining Inc. to authorize the operation of T.J.S. #6 Coal Preparation Plant located in Plumcreek Township, **Armstrong County**. The facility consists of screens, conveyor, radial stackers, front-end loader, storage piles, pressurized water truck and other miscellaneous equipment associated with this type of operations. Throughput at the proposed facility will be limited to 420,000 tons of processed coal per year. Sources are powered by electricity.

Annual emissions from the facility are estimated to be 9.45 tons of particulate matter and 3.34 tons of PM10. The facility is subject to the New Source Performance Standards (NSPS) 40 CFR Part 60 Subpart Y. The proposed SOOP contains conditions relating to monitoring, recordkeeping and work practice standards.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Operating Permit renewal may submit the information to Barbara Hatch, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222, 412-442-5226. Written comments must contain the following:

Name, address and telephone number of the person submitting the comments,

Identification of the proposed Operating Permit (SOOP-03-00245), and

Concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

All comments must be received prior to the close of business 30 days after the date of this publication.

## PLAN APPROVALS

**Receipt of Plan Approval Applications and Intent to Issue Plan Approvals, and Intent to Issue Amended Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B And Subchapter F. These actions may include the administrative amendments of an associated operating permit.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507*

**54-399-051: Silberline Manufacturing Co., Inc.** (130 Lincoln Drive, Tamaqua, PA 18252) for their Tidewood facility in Rush Township, **Schuylkill County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to Silberline Manufacturing Co., Inc. (130 Lincoln Drive, Tamaqua, PA 18252) for their Tidewood facility located in Rush Twp., Schuylkill County. This Plan Approval No. 54-399-051 will be incorporated into the companies State Only Permit through an administrative amendment at a later date.



Plan Approval No. 54-399-051 is for the installation of a new Catalytic Oxidizer to control VOC emissions at their Starbrite Process. VOC emissions from the plant will remain under their 50 TPY threshold limit, 12-month rolling sum. Malodorous emissions will be controlled by the use of a new Oxidizer. The oxidizer will be required to have a destruction efficiency of at least 98%. These limits will meet BAT requirements for this source. A stack test will be required to verify these limits. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the following:

Name, address and telephone number of the person submitting the comments.

Identification of the proposed permit No.: 54-399-051.

A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, Phone # 570-826-2511 within 30 days after publication date. Contact: Muhammad Q. Zaman, Environmental Program Manager - Telephone: 570-327-3648

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.20a). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department. A copy of the application is available for inspection at the district mining office indicated before each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application and request for Section 401 water quality certification application may be submitted by any person or any officer or head of any Federal, state or local government agency or authority to the Department at the address of the district mining office indicated before each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Written comments or objections regarding a mining permit application should contain the name, address and telephone number of persons submitting comments or objections, application number and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

A request for an informal conference or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 or § 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

When an NPDES number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

### *Coal Applications Received*

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100*

**32901601 and NPDES No. PA 0213586, Millcreek Processing**, (P. O. Box 435, Seward, PA 15954), to renew the permit for the Challenger Coal Yard in East Wheatfield Township, **Indiana County** and related NPDES permit. The application was considered administratively complete on August 23, 2011. Application received: May 31, 2011.

**56111301 and NPDES No. PA 0236071, LCT Energy, LP**, (941 Pine Grove Lane, Suite B, Johnstown, PA 15905), to operate the Cass #1 Mine in Summit Township and Garrett Borough, **Somerset County** a new underground mine and related NPDES permit. Surface Acres Proposed 141.7, Underground Acres Proposed 521.1, Subsidence Control Plan Acres Proposed 521.1. Receiving stream: Bigby Creek; classified for the following use: CWF. The application was considered administratively complete on August 25, 2011. Application received: February 1, 2011.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900*

**32110101. NPDES No. PA0263150 and General Permit GP-12-32110101, Amerikohl Mining, Inc.**, 1384 State Route 711, Stahlstown, PA 15687, revision of an existing bituminous coal mining site to obtain coverage for coal processing under air quality general permit GP-12 in Brushvalley Township, Indiana County, affecting 70.9 acres. Receiving stream(s): Unnamed Tributary to Ferrier Run classified for the following use(s): cold water fishery. There are two potable water supply intakes within 10 miles downstream. Application received: August 16, 2011.

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500*

**30100101-GP104 and NPDES PA0251950. Border Energy, LLC** (308 Dents Run Road, Morgantown, WV 26501). Request for a Section 401 Water Quality Certification for the bituminous surface mine located in Monongahela Township, **Greene County**. Application received: April 30, 2010.

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**33990109 and NPDES Permit No. PA0241539. McKay Coal Company, Inc.** (P. O. Box 343, Punxsutawney, PA 15767) Renewal of an existing bituminous surface and auger mine in Perry Township, **Jefferson County** affecting 66.0 acres. Receiving streams: Two unnamed tributaries to Perryville Run and Perryville Run, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: August 23, 2011.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200*

**17840126 and NPDES No. PA0609781. AMFIRE Mining Co., LLC** (One Energy Place, Latrobe, PA 15650). Transfer of an existing bituminous surface mine from TDK Coal Sales, Inc. located in Jordan Township, **Clearfield County** affecting 341.7 acres. Receiving streams: unnamed tributary to Comfort Run and Comfort Run to North Witmer Run classified for cold water fisheries/migratory fish to Clearfield Creek classified for warm water fisheries/migratory fish to the West Branch of Susquehanna River. There are no potable water supply intakes within 10 miles downstream. Application received: August 17, 2011.

**17110108 and NPDES No. PA0257796. RES Coal LLC** (8912 Clearfield-Curwensville Highway, Clearfield, PA 16830). Commencement, operation and restoration of a bituminous surface mine located in Gulich Township, **Clearfield County** affecting 141.0 acres. Receiving streams: Muddy Run classified for cold water fishery and Little Muddy Run classified for high quality cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: August 15, 2011.

**17110109 and NPDES No. PA0257818. King Coal Sales, Inc.** (P. O. Box 712, Philipsburg, PA 16866). Commencement, operation and restoration of a bituminous surface mine located in Morris Township, **Clearfield County** affecting 85.7 acres. Receiving stream: unnamed tributary to Hawk Run classified for cold water fishery. The first downstream potable water supply intake from the point of discharge is greater than 10 miles downstream. Application received: August 22, 2011.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**35110901. Alliance Sanitary Landfill, Inc.**, (398 South Keyser Avenue, Taylor, PA 18517), incidental anthracite coal extraction on an existing landfill operation in Taylor Borough and Ransom Township, **Lackawanna County** affecting 87.6 acres, receiving stream: St. John's Creek, classified for the following use: cold water fishes. Application received: August 16, 2011.

**40850102R4. Northeast Energy Company**, (254 Johnson Street, Wilkes-Barre, PA 18702), renewal of an existing anthracite surface mine operation in Laurel Run Borough, **Luzerne County** affecting 111.1 acres, receiving stream: Spring Run, classified for the following use: cold water fishes. Application received: August 17, 2011.

**49871603R4. D. Dale Lenig**, (883 Lower Road, Shamokin, PA 17872), renewal of an anthracite coal preparation plant operation in Little Mahanoy Township, **Northumberland County** affecting 2.1 acres, receiving stream: Mahanoy Creek, classified for the following use: warm water fishes. Application received: August 18, 2011.

**54841304R5. Rausch Creek Land, LP**, (978 Gap Street, Valley View, PA 17983), renewal of an existing anthracite underground mine operation for reclamation activities only in Hegins Township, **Schuylkill County** affecting 57.2, receiving stream: West Branch Rausch Creek, classified for the following use: cold water fishes. Application received: August 19, 2011.

#### *Noncoal Applications Received*

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**10960304. Quality Aggregates, Inc.** (4955 Steubenville Pike, Suite 245, Pittsburgh, PA 15205) Renewal of NPDES Permit No. PA0227218 in Washington Township, **Butler County**. Receiving streams: Unnamed tributary to South Branch Slippery Rock Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: August 19, 2011.

**37000302. I.A. Construction Corporation** (158 Lindsay Road, Zelienople, PA 16063) Renewal of NPDES Permit No. PA0241831 in Wayne Township, **Lawrence County**. Receiving streams: Unnamed tributary to Duck Run and Duck Run, and unnamed tributary to Connoquenessing Creek, classified for the following uses: WWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: August 24, 2011.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200*

**14110301 and NPDES No. PA0257800. HRI, Inc.** (1750 West College Ave., Suite 1, State College, PA 16801). Commencement, operation and restoration of a large industrial mineral surface mine located in Snow Shoe Township, **Centre County** affecting 57.3 acres. Receiving stream: unnamed tributary to Black Moshannon Creek classified for high quality cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: August 15, 2011.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**6475SM10C2 and NPDES Permit No. PA0224391. Pennsy Supply, Inc.**, (1001 Paxton Street, Harrisburg, PA 17105), correction to an existing quarry operation for an incidental boundary correction and change 3.89 from support to mining for a total of 129.89 acres in Jenkins Township, **Luzerne County**, receiving stream: Lampblack Creek, classified for the following use: cold water fishes. Application received: August 18, 2011.

**40970302C. Pennsy Supply, Inc.,** (1001 Paxton Street, Harrisburg, PA 17105), correction to an existing quarry operation for an incidental boundary correction and change 1.64 from support to mining for a total of 51.85 acres in Jenkins Township, **Luzerne County**, receiving stream: Lampblack Creek, classified for the following use: cold water fishes. Application received: August 18, 2011.

#### MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for a new, amended or renewed NPDES permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR

Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

The Department of Environmental Protection (Department) has prepared a draft NPDES permit and made a tentative determination to issue the NPDES permit in conjunction with the associated mining activity permit.

#### *Effluent Limits for Coal Mining Activities*

For coal mining activities, NPDES permits, when issued, will contain effluent limits that are the more stringent of technology-based (BAT) effluent limitations or Water Quality Based Effluent Limits (WQBEL).

The BAT limits for coal mining activities, as provided in 40 CFR Part 434 and 25 Pa. Code Chapters 87—90 are as follows:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (Total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (Total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	

Alkalinity greater than acidity\*

\* The parameter is applicable at all times.

In addition, the Department imposes a technology-based aluminum limit of 2.0 mg/l (30 day average) to protect stream uses.

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Exceptions to BAT effluent limits may be applicable in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

#### *Effluent Limits for Noncoal Mining Activities*

The BAT limits for noncoal mining activities as provided in 40 CFR Part 436 and 25 Pa. Code Chapter 77 are as follows:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	35 mg/l	70 mg/l	90 mg/l
Alkalinity exceeding acidity*		greater than 6.0; less than 9.0	
pH*			

\* The parameter is applicable at all times.

Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality based effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters.

In addition to BAT or WQBEL limits, coal and noncoal NPDES permits establish effluent limitations in the form of implemented Best Management Practices (BMPs) identified in the associated Erosion and Sedimentation Plan, the Reclamation Plan and the NPDES permit application. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters in this Commonwealth.

More restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining that may occur are incorporated into an NPDES permit

when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 362-0600-001, NPDES Program Implementation—Memorandum of Understanding (MOU) Concerning Water Quality Management, NPDES Program Implementation, and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

Discharge rates for surface mining activities are precipitation driven. Discharge rates for proposed discharges associated with underground mining are noted in the permit description.



Persons wishing to comment on an NPDES draft permit should submit a written statement to the Department at the address of the district mining office indicated before each draft permit within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92a.82(d). The request or petition for a public hearing shall be filed within 30 days of this public notice and contain the name, address, telephone number and the interest of the party filing the request, and state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

#### Coal NPDES Draft Permits

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100

**NPDES No. PA0236055 (Mining Permit No. 17101601), Victor, LLC**, (3056 Washington Avenue, PO Box 128, Clearfield, PA 16830). A new NPDES and mining activity permit for the Victor Tipple in Greenwood Township, **Clearfield County** a new coal preparation facility. Surface Acres Affected 25.56. Receiving stream: West Branch of Susquehanna River, classified for the following use: WWF. Susquehanna River TMDL. The application was considered administratively complete on May 23, 2011. Application received November 19, 2010.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The facility location of the non-discharge alternatives are listed below:

The proposed average daily discharge rate for Outfall 001 is 2.74 MGPD

Outfall 001 discharges to: West Branch of Susquehanna River

The proposed effluent limits for Outfall 001 Lat: 40° 54' 41.4" Long: 78° 44' 17.6" are:

Parameter	Minimum	30-Day Average	Daily Maximum	Instant. Maximum
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)				7.0
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)				0.5

<sup>1</sup> The parameter is applicable at all times.

The proposed average daily discharge rate for Outfall 002 is 1.74 MGPD

Outfall 002 discharges to: West Branch of Susquehanna River

The proposed effluent limits for Outfall 002 Lat: 40° 54' 40.5" Long: 78° 44' 18.0" are:

Parameter	Minimum	30-Day Average	Daily Maximum	Instant. Maximum
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		1.50	3.00	3.75
Manganese (mg/l)		1.00	2.00	2.50
Aluminum (mg/l)		0.75	1.50	1.87
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90
Total Settable Solids (ml/l)				0.5 <sup>2</sup>

<sup>1</sup> The parameter is applicable at all times.

<sup>2</sup> The units associated with this parameter are mL/L

The proposed average daily discharge rate for Outfall 003 is 0.32 MGPD

Outfall 003 discharges to: West Branch of Susquehanna River

The proposed effluent limits for Outfall 003 Lat: 40° 54' 44.8" Long: 78° 44' 32.7" are:

Parameter	Minimum	30-Day Average	Daily Maximum	Instant. Maximum
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		1.50	3.00	3.75
Manganese (mg/l)		1.00	2.00	2.50
Aluminum (mg/l)		0.75	1.50	1.87
Alkalinity greater than acidity <sup>1</sup>				

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Suspended Solids (mg/l)		35	70	90
Total Settable Solids (ml/l)				0.5 <sup>2</sup>

<sup>1</sup> The parameter is applicable at all times.

<sup>2</sup> The units associated with this parameter are mL/L

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900*

**NPDES No. PA0249823 (Mining permit no. 32050106), Beth Contracting, Inc.**, 875 Rock Run Road, Glen Campbell, PA 15742, renewal of an NPDES permit for surface mining in Glen Campbell Borough, **Indiana County**, affecting 56.1 acres. Receiving stream(s): unnamed tributaries to Cush Creek, Brady Run, classified for the following uses: cold water fisheries. This receiving stream is included in the West Branch Susquehanna River TMDL. Application received: July 1, 2011.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The outfall(s) listed below discharge to Brady Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001, 002	N

**NPDES No. PA0263168 (Mining permit no. 56110101), Sherpa Mining Contractors, Inc.**, 337 Benny Road, Hooversville, PA 15936, new NPDES permit for surface mine in Stonycreek Township, **Somerset County**, affecting 61.2 acres. Receiving stream(s): unnamed tributaries to/and Stonycreek River, classified for the following use(s): cold water fisheries. This receiving stream is included in the Kiskiminetas-Conemaugh TMDL Application received: February 23, 2011.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The treated wastewater outfalls listed below discharge to unnamed tributaries to/and Stonycreek River:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001, 002	Yes

The proposed effluent limits for the above listed outfall(s) are as follows: Outfalls:

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.5
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.9
Total Suspended Solids (mg/l)	35	70	90
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The stormwater outfalls listed below discharge to unnamed tributaries to/and Stonycreek River:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
003	Yes

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Outfalls: 003 Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.5
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.9
Total Suspended Solids (mg/l)	35	70	90
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**NPDES No. PA0241890 (Permit No. 33010102), McKay Coal Company, Inc.** (P. O. Box 343, Punxsutawney, PA 15767) Renewal of an NPDES permit for a bituminous surface, auger, and tippie refuse disposal mine in Perry Township, **Jefferson County**, affecting 56.4 acres. Receiving streams: Foundry Run, classified for the following uses: CWF. TMDL: None. Application received: May 2, 2011. Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The outfall(s) listed below discharge to Foundry Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
C	N



*Noncoal NPDES Draft Permits**Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900*

**NPDES No. PA0223735 (Mining permit no. 28960301), New Enterprise Stone & Lime Company, Inc.,** P. O. Box 77, New Enterprise, PA 16664, renewal of an NPDES permit for limestone quarry in Fannett Township, **Franklin County**, affecting 68.1 acres. Receiving stream(s): UNT to Dry Run, classified for the following use(s): cold water fishery. Application received: June 14, 2011.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for noncoal mining activities.

The outfall(s) listed below discharge to UNT to Dry Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
004	N

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Suspended Solids (mg/l)	35	70	90
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times.			

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on working days at the office noted before the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**Applications Received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and Requests for Certification under section 401(a) of the FWPCA.**

## WATER OBSTRUCTIONS AND ENCROACHMENTS

*Southeast Region: Watershed Management Program Manager, 2 East Main Street, Norristown, PA 19401*

**E15-822. Borough of Downingtown**, 4 West Lancaster Avenue, Downingtown, PA 19335-2800, Downingtown Borough, **Chester County**, ACOE Philadelphia District.

To construct and maintain a 125-foot long, 10-foot wide single span pedestrian bridge across the East Branch of Brandywine Creek (WWF, MF) associated with the completion of the existing trail system.

The site is located just behind Borough building and approximately 340 feet downstream of West Lancaster Avenue (Bus. Rt. 30) Downingtown, PA USGS Quadrangle N: 8.9 inches; W: 3.6 inches.

*Northcentral Region: Oil and Gas Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701*

**E4129-022: Anadarko Marcellus Midstream, L.L.C.**, 33 West Third Street, Suite 200, Williamsport, PA 17701, Cogan House Township, **Lycoming County**, ACOE Baltimore District. To construct, operate, and maintain:

1) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, one 24 inch gasline, one 16 inch steel waterline, and one electric/fiber optic line impacting 147 linear feet of Wendell Run (EV, MF) and 3243 square feet of the adjacent palustrine emergent (PEM) wetland (White Pine PA Quadrangle 41°25'45"N 77°12'26"W).

The project will result in 147 linear feet of temporary stream impacts and 0.07 acres of temporary wetland impacts all for the purpose of installing a natural gas and water pipelines with associated access roadways for Marcellus well development.

**E5929-022: SWEPI LP**, 190 Thorn Hill Road, Warrendale, PA 15086, Union Township, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a temporary road crossing using 20 foot long, 18 inch diameter corrugated metal pipe, an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable

impacting 140 linear feet of an unnamed tributary to West Mill Creek (HQ-CWF) (Ralston, PA Quadrangle 41°33'40"N 77°02'34"W);

2) a temporary road crossing using a 20 foot long, 18 inch diameter corrugated metal pipe, an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable impacting 65 linear feet of an unnamed tributary to West Mill Creek (HQ-CWF) (Ralston, PA Quadrangle 41°33'36"N 77°02'49"W);

3) a temporary road crossing using a wood mat bridge, an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable impacting 2,315 square feet of a palustrine emergent (PEM) wetland (Ralston, PA Quadrangle 41°34'50"N 76°58'16"W);

4) a temporary road crossing using a wood mat bridge, an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable impacting 904 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Ralston Quadrangle 41°33'12"N 77°03'15"W);

5) a temporary road crossing using a wood mat bridge, an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable impacting 1,535 square feet of a palustrine emergent (PEM) wetland (Ralston Quadrangle 41°33'27"N 77°03'25"W). The project will result in 205 linear feet of temporary stream impacts, 3,850 square feet (.09 acres) of temporary wetland impacts, and 904 square feet (0.02 acres) of permanent wetland impacts all for the purpose of installing a natural gas gathering line, fresh water lines, a fiber optic cable, and associated access roadways.

**E5929-023: Seneca Resources Corporation**, 51 Zents Boulevard, Brookville, PA 15825, Richmond Township, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a 10 inch diameter fresh water line impacting 10 linear feet of Marsh Creek (WWF) (Keeneyville, PA Quadrangle 41°47'31"N 77°19'29"W);

2) a 10 inch diameter fresh water line impacting 12 linear feet of Baldwin Run (CWF) (Keeneyville, PA Quadrangle 41°47'35"N 77°19'28"W);

3) a 10 inch diameter fresh water line impacting 516 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Keeneyville, PA Quadrangle 41°47'32"N 77°19'31"W);

4) a 10 inch diameter fresh water line impacting 201 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Keeneyville, PA Quadrangle 41°47'40"N 77°19'25"W);

5) a 10 inch diameter fresh water line impacting 238 square feet of an exceptional value palustrine emergent/scrub shrub (EV-PEM/PSS) wetland (Keeneyville, PA Quadrangle 41°47'45"N 77°19'21"W);

The project will result in 22 linear feet of temporary stream impacts, 1,000 square feet (.02 acres) of temporary wetland impacts all for the purpose of installing a fresh water line.

**E4129-020: Anadarko Marcellus Midstream, L.L.C.**, 33 West Third Street, Suite 200, Williamsport, PA 17701, Cascade and Gamble Townships, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, one 16 inch gasline, one 16 inch steel waterline, and one electric/fiber optic line impacting 532 linear feet of East Branch Murray Run (EV, MF) and two unnamed tributaries and 25514 square feet of the adjacent palustrine forested (PFO) wetland (Bodines PA Quadrangle 41°25'39"N 76°56'25"W),

2) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, one 16 inch gasline, one 16 inch steel waterline, and one electric/fiber optic line impacting 114 linear feet of an unnamed tributary (UNT) to East Branch Murray Run (EV, MF) and 2482 square feet of adjacent palustrine forested (PFO) wetland (Bodines PA Quadrangle 41°25'36"N 76°56'49"W),

3) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, one 16 inch gasline, one 16 inch steel waterline, and one electric/fiber optic line impacting 40484 square feet of a palustrine forested (PFO) wetland (Bodines PA Quadrangle 41°25'38"N 76°56'52"W),

4) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, one 16 inch gasline, one 16 inch steel waterline, and one electric/fiber optic line impacting 107 linear feet of an unnamed tributary (UNT) to East Branch Murray Run (EV, MF) (Bodines PA Quadrangle 41°25'32"N 76°57'10"W),

5) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, one 16 inch gasline, one 16 inch steel waterline, and one electric/fiber optic line impacting 199 linear feet of an unnamed tributary (UNT) to East Branch Murray Run (EV, MF) and 7323 square feet of adjacent palustrine forested (PFO) wetland (Bodines PA Quadrangle 41°25'26"N 76°57'35"W),

6) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, one 16 inch gas line, one 16 inch steel waterline, and one electric/fiber optic line impacting 6519 square feet of a palustrine scrub shrub (PSS) wetland (Bodines PA Quadrangle 41°25'11"N 76°58'07"W),

7) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, one 16 inch gasline, one 16 inch steel waterline, and one electric/fiber optic line impacting 154 linear feet of an unnamed tributary (UNT) to East Branch Murray Run (EV, MF) (Bodines PA Quadrangle 41°25'10"N 76°58'09"W),

8) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, one 16 inch gasline, one 16 inch steel waterline, and one electric/fiber optic line impacting 104 linear feet of an unnamed tributary (UNT) to East Branch Murray Run (EV, MF) (Bodines PA Quadrangle 41°25'09"N 76°58'11"W),

9) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, one 16 inch gasline, one 16 inch steel waterline, and one electric/fiber optic line impacting 83 linear feet of an unnamed tributary (UNT) to East Branch Murray Run (EV, MF) (Bodines PA Quadrangle 41°25'07"N 76°58'13"W),

10) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, one 16 inch gasline, one 16 inch steel waterline, and one electric/fiber optic line impacting 134 linear feet of an unnamed tributary (UNT) to East Branch Murray Run (EV, MF) (Bodines PA Quadrangle 41°25'05"N 76°58'13"W),

11) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, one 16 inch gasline,

one 16 inch steel waterline, and one electric/fiber optic line impacting 4477 square feet of a palustrine forested (PFO) wetland (Bodines PA Quadrangle 41°24'59"N 76°58'18"W),

12) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, one 16 inch gasline, one 16 inch steel waterline, and one electric/fiber optic line impacting 2383 square feet of a palustrine forested (PFO) wetland (Bodines PA Quadrangle 41°24'52"N 76°58'21"W),

13) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, one 16 inch gasline, one 16 inch steel waterline, and one electric/fiber optic line impacting 363 square feet of a palustrine forested (PFO) wetland (Bodines PA Quadrangle 41°24'53"N 76°58'26"W).

The project will result in 1,427 linear feet of temporary stream impacts and 2.06 acres of temporary wetland impacts all for the purpose of installing a natural gas and water pipelines with associated access roadways for Marcellus well development.

**E4129-019: Anadarko Marcellus Midstream, L.L.C.**, 33 West Third Street, Suite 200, Williamsport, PA 17701, Cascade and Gamble Townships, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, one 24 inch gas line, one 16 inch steel waterline, and one electric/fiber optic line impacting 3,731 square feet of a palustrine forested (PFO) wetland (Bodines PA Quadrangle 41°26'22"N 76°55'32"W),

2) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, one 16 inch gas line, one 16 inch steel waterline, and one electric/fiber optic line impacting 110 linear feet of an unnamed tributary to Slacks Run (HQ-CWF, MF) (Bodines PA Quadrangle 41°26'22"N 76°55'32"W),

3) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, one 16 inch gas line, one 16 inch steel waterline, and one electric/fiber optic line impacting 105 linear feet of an unnamed tributary to Slacks Run (HQ-CWF, MF) (Bodines PA Quadrangle 41°26'24"N 76°55'31"W),

4) two six inch flex steel gas lines, one 16 inch gas line, one 16 inch steel waterline, and one electric/fiber optic line bored beneath 5995 square feet of palustrine forested (PFO) wetland adjacent to Slacks Run Road (Bodines PA Quadrangle 41°26'47"N 76°55'09"W),

5) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, one 24 inch gas line, one 16 inch steel waterline, and one electric/fiber optic line impacting 18,410 square feet of a palustrine forested (PFO) wetland (Bodines PA Quadrangle 41°26'59"N 76°54'51"W),

6) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, one 16 inch gas line, one 16 inch steel waterline, and one electric/fiber optic line impacting 153 linear feet of an unnamed tributary to Slacks Run (HQ-CWF, MF) (Bodines PA Quadrangle 41°26'59"N 76°54'51"W),

7) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, one 24 inch gas line, one 16 inch steel waterline, and one electric/fiber

optic line impacting 1378 square feet of a palustrine forested (PFO) wetland (Bodines PA Quadrangle 41°27'18"N 76°54'50"W).

The project will result in 368 linear feet of temporary stream impacts and 0.54 acres of temporary wetland impacts all for the purpose of installing a natural gas and water pipelines with associated access roadways for Marcellus well development.

#### EROSION AND SEDIMENT CONTROL PERMITS

The following parties have applied for Erosion and Sediment Control Permits for earth disturbance activities associated with either road maintenance or timber harvesting operations.

Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department proposes to issue a permit to discharge, subject to certain limitations in the permit conditions. These proposed determinations are tentative. Limitations are provided as erosion and sediment control best management practices which restrict the rate and quantity of sediment discharged.

A person wishing to comment on a proposed permit are invited to submit a statement to the appropriate Department regional office listed before the application within 30 days of this public notice. Comments reviewed within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and relevant facts upon which it is based. A public hearing may be held after consideration of comments received by the appropriate Department regional office during the 30-day public comment period.

Following the 30-day comment period, the appropriate regional office water management program manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board (Board).

The application and related documents, including the erosion and sediment control plan for the earth disturbance activity, are on file and may be inspected at the appropriate regional office.

Persons with a disability that require an auxiliary aid, service or other accommodation to participate during the 30-day public comment period should contact the specified regional office. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

#### Applications received under sections 5 and 402 of The Clean Streams Law (35 P.S. §§ 691.5 and 691.402)

*Northcentral Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

ESCGP-1 # ESX11-027-0004

Applicant Name Range Resources—Appalachia, LLC

Contact Person Mary Patton

Address 100 Throckmorton Street, Suite 1200

City, State, Zip Fort Worth, TX 76102

County Centre County

Township(s) Snow Shoe Township

Receiving Stream(s) and Classification(s) Black Moshannon Creek and Dry Hollow, both (HQ-CWF)



## ESCGP-1 # ESX11-081-0072

Applicant Name Anadarko Marcellus Midstream, LLC  
 Contact Person Nathan Bennett  
 Address 33 W. 3rd Street  
 City, State, Zip Williamsport, PA 17701  
 County Lycoming County  
 Township(s) McHenry Township  
 Receiving Stream(s) and Classification(s) Brown Run  
 (HQ)

## ESCGP-1 # ESX11-113-0015

Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 101 North Main Street  
 City, State, Zip Athens, PA 18810  
 County Sullivan County  
 Township(s) Cherry Township  
 Receiving Stream(s) and Classification(s) UNT Birch  
 Creek (CWF); Secondary: Birch Creek (EV)

## ESCGP-1 # ESX11-081-0063

Applicant Name Anadarko E&P Company LP  
 Contact Person Nathan Bennett  
 Address 33 W. 3rd Street  
 City, State, Zip Williamsport, PA 17701  
 County Lycoming County  
 Township(s) Cummings Township  
 Receiving Stream(s) and Classification(s) Bull Run and  
 Lower Pine Bottom Run, both (HQ-CWF, MF)

## ESCGP-1 # ESX10-081-0087

Applicant Name Anadarko Marcellus Midstream LLC  
 Contact Person Nathan S. Bennett  
 Address P. O. Box 1330  
 City, State, Zip Houston, TX 77251-1330  
 County Lycoming County  
 Township(s) Watson Township  
 Receiving Stream(s) and Classification(s) UNT Gamble  
 Run, Gamble Run, both (HQ-CWF, MF); Secondary  
 Waters: Gamble Run (HQ-CWF, MF) and Pine Creek  
 (HQ-TSF, MF)

## ESCGP-1 # ESX11-117-0090

Applicant Name SWEPI LP  
 Contact Person James Sewell  
 Address 190 Thorn Hill Road  
 City, State, Zip Warrendale, PA 15086  
 County Tioga County  
 Township(s) Jackson Township  
 Receiving Stream(s) and Classification(s) UNT to Seeley  
 Run (CWF, MF)

## ESCGP-1 # ESX11-015-0165

Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 101 North Main Street  
 City, State, Zip Athens, PA 18810  
 County Bradford County  
 Township(s) Smithfield Township  
 Receiving Stream(s) and Classification(s) UNT of Tomjack  
 Creek; Secondary: Tomjack Creek, both (TSF)

## ESCGP-1 # ESX11-115-0073

Applicant Name Laser Northeast Gathering  
 Contact Person Kevin Marion  
 Address 1212 South Abington Road  
 City, State, Zip Clarks Summit, PA 18411  
 County Susquehanna County  
 Township(s) Forest Lake Township  
 Receiving Stream(s) and Classification(s) Middle Branch  
 Wyalusing Creek (CWF)

## ESCGP-1 # ESX11-081-0019 (01)

Applicant Name Anadarko Marcellus Midstream, LLC  
 Contact Person Bertha Nefe  
 Address P. O. Box 1330  
 City, State, Zip Houston, TX 77251-1330  
 County Lycoming County  
 Township(s) Mifflin, Cogan House and Lewis Townships  
 Receiving Stream(s) and Classification(s) UNT to Lick  
 Run(HQ-CWF); UNT to Larry's Creek, Larry's Creek,  
 UNT to Mash Run, Second Form Larry's Creek, UNT to  
 Wolf Run, Wolf Run, Wendell Run, All (EV)

## ESCGP-1 # ESX11-027-0005

Applicant Name Williams Production Appalachia, LLC  
 Contact Person David Freudenrich  
 Address 1000 Town Center, Suite 130  
 City, State, Zip Canonsburg, PA 15317-5834  
 County Centre County  
 Township(s) Snow Shoe Township  
 Receiving Stream(s) and Classification(s) Moshannon  
 Creek, Black Moshannon (HQ); Secondary: West  
 Branch Susquehanna River

## ESCGP-1 # ESX10-115-0040 (01)

Applicant Name Williams Production Appalachia, LLC  
 Contact Person David Freudenrich  
 Address 1000 Town Center, Suite 130  
 City, State, Zip Canonsburg, PA 15317  
 County Susquehanna County  
 Township(s) Franklin Township  
 Receiving Stream(s) and Classification(s) UNT to Silver  
 Creek—CWF, MF, EV; Secondary: Snake Creek Basin

## ESCGP-1 # ESX11-117-0093

Applicant Name Talisman Energy USA, Inc.  
 Contact Person Tracy Gregory  
 Address 337 Daniel Zenker Drive  
 City, State, Zip Horseheads, NY 14845  
 County Tioga County  
 Township(s) Ward Township  
 Receiving Stream(s) and Classification(s) Morris Run, 2  
 UNT to Morris Run, and Fall Brook, all (CWF/MF)

## ESCGP-1 # ESX11-081-0070

Applicant Name Anadarko Marcellus Midstream, LLC  
 Contact Person Nathan Bennett  
 Address 33 W. 3rd Street  
 City, State, Zip Williamsport, PA 17701  
 County Lycoming County  
 Township(s) Cascade Township  
 Receiving Stream(s) and Classification(s) Slacks Run  
 (HQ-CWF, MF)

## ESCGP-1 # ESX11-015-0164

Applicant Name EOG Resources, Inc.  
 Contact Person Jon Jorgenson  
 Address 400 Southpointe Blvd., Plaza 1, Suite 300  
 City, State, Zip Canonsburg, PA 15317  
 County Bradford County  
 Township(s) Smithfield Township  
 Receiving Stream(s) and Classification(s) West Branch  
 Tomjack Creek, Tomjack Creek

## ESCGP-1 # ESX11-115-0076

Applicant Name Laser Northeast Gathering  
 Contact Person Kevin Marion  
 Address 1212 South Abington Road  
 City, State, Zip Clarks Summit, PA 18411  
 County Susquehanna County  
 Township(s) Middletown Township  
 Receiving Stream(s) and Classification(s) Middle Branch  
 Wyalusing Creek (CWF)

## ESCGP-1 # ESX10-081-0079 (01)

Applicant Name PVR Marcellus Gas Gathering, LLC  
 Contact Person Jeffrey Searfoss  
 Address 25 W. 3rd Street  
 City, State, Zip Williamsport, PA 17701  
 County Lycoming County  
 Township(s) Cummings, Watson, and Mifflin Townships  
 Receiving Stream(s) and Classification(s) Larry's Creek  
 and Toubm's Run (HQ)

## ESCGP-1 # ESX11-081-0004 (02)

Applicant Name PVR Marcellus Gas Gathering LLC  
 Contact Person Kevin Roberts  
 Address 25 W. 3rd Street  
 City, State, Zip Williamsport, PA 17701  
 County Lycoming County  
 Township(s) Cummings, Mifflin, Anthony, Lycoming and  
 Cogan House Townships  
 Receiving Stream(s) and Classification(s) 1st Fork Larry's  
 Creek, dog Run, Harbor Run, 2nd Fork Larry's Creek,  
 Little Harbor Run, Roaring Run, Little Sandy Hollow,  
 Mash Run, Stony Gap Run, Little Ga Run, Hoagland  
 Run (HQ, EV)

## ESCGP-1 # ESX11-015-0155

Applicant Name Angelina Gathering Company, LLC  
 Contact Person Danny Spaulding  
 Address 2350 N. Sam Houston Parkway E., Suite 125  
 City, State, Zip Houston, TX 77032  
 County Herrick Township  
 Township(s) Bradford County  
 Receiving Stream(s) and Classification(s) UNT to Camps  
 Creek and Rummerfield Creek, (WWF, MF)

## ESCGP-1 # ESX11-115-0089

Applicant Name Cabot Oil & Gas Corporation  
 Contact Person Kenneth Marcum  
 Address Five Penn Center West, Suite 401  
 City, State, Zip Pittsburgh, PA 15276  
 County Susquehanna County  
 Township(s) Bridgewater Township  
 Receiving Stream(s) and Classification(s) Beebe Creek  
 (CWF), UNT to East Branch Wyalusing Creek (CWF)

## ESCGP-1 # ESX11-081-0083

Applicant Name Southwestern Energy Company  
 Contact Person Dave Sweeley  
 Address 917 State Route 92 North  
 City, State, Zip Tunkhannock, PA 18657  
 County Lycoming County  
 Township(s) Cogan House and Jackson Townships  
 Receiving Stream(s) and Classification(s) UNT to Block-  
 house Creek (EV), Blockhouse Creek (EV), UNT to  
 Flicks Run (EV), Flicks Run (EV, UNT to Steam Valley  
 Run (EV) & Steam Valley Run (EV)

## ESCGP-1 # ESX11-115-0093

Applicant Name Williams Field Services Company, LLC  
 Contact Person Clayton Roesler  
 Address 1605 Coraopolis Heights Road  
 City, State, Zip Moon Township, PA 15108  
 County Susquehanna County  
 Township(s) Lenox Township  
 Receiving Stream(s) and Classification(s) Tower Branch  
 (CWF) Upper Susquehanna—Lackawanna Watershed

## ESCGP-1 # ESX11-117-0097

Applicant Name Seneca Resources Corporation  
 Contact Person Doug Kepler  
 Address 51 Zents Blvd  
 City, State, Zip Brookville, PA 15825  
 County Tioga County  
 Township(s) Delmar Township

Receiving Stream(s) and Classification(s) Baldwin Run,  
 Hibard Hollow & Marsh Creek (HQ)

## ESCGP-1 # ESX11-117-0094

Applicant Name Seneca Resources Corporation  
 Contact Person Michael Clinger  
 Address 51 Zents Boulevard  
 City, State, Zip Brookville, PA 15825  
 County Tioga County  
 Township(s) Bloss Township  
 Receiving Stream(s) and Classification(s) Boone Run  
 (CWF), Secondary: Johnson Creek

## ESCGP-1 # ESX11-081-0075

Applicant Name Seneca Resources Corporation  
 Contact Person Michael Clinger  
 Address 51 Zents Boulevard  
 City, State, Zip Brookville, PA 15825  
 County Lycoming County  
 Township(s) McIntyre Township  
 Receiving Stream(s) and Classification(s) Long Run and  
 Dry Run to & Include Grays Run (HQ), Secondary:  
 Lycoming Creek

## ESCGP-1 # ESX11-081-0085

Applicant Name Anadarko Marcellus Midstream, LLC  
 Contact Person Nathan Bennett  
 Address 33 W. 3rd Street  
 City, State, Zip Williamsport, PA 17701  
 County Lycoming County  
 Township(s) Cascade and Gamble Townships  
 Receiving Stream(s) and Classification(s) West Branch  
 Murray Run, East Branch Murray Run, (EV)

## ESCGP-1 # ESX11-081-0080

Applicant Name Southwestern Energy Company  
 Contact Person Dave Sweeley  
 Address 917 State Route 92 North  
 City, State, Zip Tunkhannock, PA 18657  
 County Lycoming County  
 Township(s) Cogan House Township  
 Receiving Stream(s) and Classification(s) UNT to Steam  
 Valley Run, UNT to Flicks Run, and Flicks Run, all  
 (EV); Secondary: Blockhouse Creek (EV)

## ESCGP-1 # ESX11-081-0076

Applicant Name XTO Energy  
 Contact Person Bernhardt Kissel  
 Address 395 Airport Road  
 City, State, Zip Indiana, PA 15701  
 County Lycoming County  
 Township(s) Franklin Township  
 Receiving Stream(s) and Classification(s) Little Muncy  
 Creek (CWF, MF); Secondary: Muncy Creek (CWF, MF)

## ESCGP-1 # ESX11-081-0015 (01)

Applicant Name Anadarko E&P Company LP  
 Contact Person Nathan Bennett  
 Address 33 W. 3rd Street  
 City, State, Zip Williamsport, PA 17701  
 County Lycoming County  
 Township(s) Cummings and Cogan House Townships  
 Receiving Stream(s) and Classification(s) UNT to First  
 Fork, Larry's Creek, First Fork Larry's Creek, UNT to  
 First Fork Funston Run, Bear Hollow, Lawshe Run,  
 Right Fork Funston Run, Second Fork Larry's Creek,  
 all (EV); Secondary Waters: First Fork Larry's Creek,  
 Larry's Creek, First Fork Funston run, Lawshe Run,  
 Second Fork Larry's Creek, Funston Run and Larry's  
 Creek, all (EV)

## ESCGP-1 # ESX11-115-0096

Applicant Name Carrizo (Marcellus), LLC  
 Contact Person Gary Byron



Address 251 Drain Lick Road  
City, State, Zip Drifting, PA 16834  
County Susquehanna County  
Township(s) Bridgewater Township  
Receiving Stream(s) and Classification(s) Beebe Creek (CWF)

ESCGP-1 # ESX11-081-0064  
Applicant Name Anadarko E&P Company LP  
Contact Person Nathan Bennett  
Address 33 W. 3rd Street  
City, State, Zip Williamsport, PA 17701  
County Lycoming County  
Township(s) McHenry Township  
Receiving Stream(s) and Classification(s) Pine Creek (HQ-TSF, MF); Secondary Water: UNT Miller Run, McClure Run, Browns Run, all are (HQ-CWF, MF)

ESCGP-1 # ESX11-117-0072  
Applicant Name Superior Appalachian Pipeline, LLC  
Contact Person Kenneth Magyar  
Address 1000 Town Center Way, Suite 120  
City, State, Zip Canonsburg, PA 15317-5834  
County Tioga County  
Township(s) Brookfield Township  
Receiving Stream(s) and Classification(s) North Brook/ Troups Creek, California Brook, Mink Hollow, North Fork/Cowanesque River, UNT to Cowanesque River/ Cowanesque River; Secondary Water: Tioga River

ESCGP-1 # ESX11-081-0061  
Applicant Name EXCO Resources (PA), LLC  
Contact Person Larry Sanders  
Address 3000 Ericsson Drive, Suite 200  
City, State, Zip Warrendale, PA 15086  
County Lycoming County  
Township(s) Penn Township  
Receiving Stream(s) and Classification(s) Sugar Run, Gregs Run, Big Run and Beaver Run

ESCGP-1 # ESX10-115-0058 (01)  
Applicant Name Stone Energy Corporation  
Contact Person Richard Toothman  
Address 6000 Hampton Center, Suite B  
City, State, Zip Morgantown, WV 16505  
County Susquehanna County  
Township(s) Auburn and Rush Townships  
Receiving Stream(s) and Classification(s) UNT to Tansue Creek (CWF), Tuscarora Creek (CWF, MF), UNT to Tuscarora Creek (CWF), Beaver Meadow Creek (CWF), UNT to Beaver Meadow Creek (CWF), Wolf Creek (WWF), UNT to Wyalusing Creek (WWF), Wyalusing Creek (WWF, MF).

ESCGP-1 # ESX10-117-0222 (01)  
Applicant Name SWEPI LP  
Contact Person James Sewell  
Address 190 Thorn Hill Road  
City, State, Zip Warrendale, PA 15086  
County Tioga County  
Township(s) Union Township  
Receiving Stream(s) and Classification(s) Trib to Towanda Creek (CWF, MF); East Branch Sugar Works Run (HQ-CWF, MF); Trib to Sugar Works Run (HQ-CWF, MF); Trib to Lycoming Creek (HQ-CWF, MF)

ESCGP-1 # ES11-081-0071  
Applicant Name Range Resources—Appalachia, LLC  
Contact Person Mary Curliss Patton  
Address 100 Throckmorton Street, Suite 1200  
City, State, Zip Fort Worth, TX 76102  
County Lycoming County  
Township(s) Cogan House Township

Receiving Stream(s) and Classification(s) UNT's 20580 and 20581 to Hoagland Run, Hoagland Run/Antes-Lycoming Creeks Watershed, (HQ); Secondary: Hoagland Run

ESCGP-1 # ESX11-035-0010  
Applicant Name XTO Energy, Inc.  
Contact Person Stacey Vehovic  
Address 395 Airport Road  
City, State, Zip Indiana, PA 15701  
County Clinton County  
Township(s) Chapman Township  
Receiving Stream(s) and Classification(s) UNT to West Branch Susquehanna River (HQ, CWF, MF); Secondary: West Branch Susquehanna River (HQ, CWF, MF)

ESCGP-1 # ESX10-117-0116 (01)  
Applicant Name SWEPI LP  
Contact Person James Sewell  
Address 190 Thorn Hill Road  
City, State, Zip Warrendale, PA 15086  
County Tioga County  
Township(s) Farmington Township  
Receiving Stream(s) and Classification(s) UNT to Losey Creek, Trib to Losey Creek, (WWF, MF); Secondary: Losey Creek (WWF, MF)

ESCGP-1 # ESX11-115-0083  
Applicant Name Williams Marcellus Gathering, LLC  
Contact Person David Freudenrich  
Address 1000 Town Center, Suite 130  
City, State, Zip Canonsburg, PA 15317  
County Susquehanna County  
Township(s) Liberty Township  
Receiving Stream(s) and Classification(s) UNT to Susquehanna River/ UNT to Dubois Creek; Secondary: Susquehanna River/Dubois Creek

ESCGP-1 # ESX11-015-0168  
Applicant Name Talisman Energy USA, Inc.  
Contact Person Tracy Gregory  
Address 337 Daniel Zenker Drive  
City, State, Zip Horseheads, NY 14845  
County Bradford County  
Township(s) Columbia Township  
Receiving Stream(s) and Classification(s) Wolfe Creek, North Branch of Sugar Creek, and UNTs to North Branch Sugar Creek, all (TSF-MF)

ESCGP-1 # ESG11-117-0077  
Applicant Name Talisman Energy USA, Inc.  
Contact Person Tracy Gregory  
Address 337 Daniel Zenker Drive  
City, State, Zip Horseheads, NY 14845  
County Tioga County  
Township(s) Ward Township  
Receiving Stream(s) and Classification(s) Fall Brook (CWF, MF); Secondary Water: Tioga River

ESCGP-1 # ESX11-115-0074  
Applicant Name Cabot Oil & Gas Corporation  
Contact Person Kenneth Marcum  
Address Five Penn Center West, Suite 401  
City, State, Zip Pittsburgh, PA 15276  
County Susquehanna County  
Township(s) Forest Lake Township  
Receiving Stream(s) and Classification(s) Middle Branch Wyalusing Creek and UNT to Middle Branch Wyalusing Creek, (CWF)

ESCGP-1 # ESX11-015-0166  
Applicant Name Chesapeake Appalachia, LLC  
Contact Person Eric Haskins  
Address 101 North Main Street

City, State, Zip Athens, PA 18810  
 County Bradford County  
 Township(s) Herrick, Standing Stone, and Wyalusing Townships  
 Receiving Stream(s) and Classification(s) UNT to Susquehanna River (WWF); Secondary: Susquehanna River (WWF)

ESCGP-1 # ESX11-117-0092

Applicant Name Novus Operating, LLC  
 Contact Person Jim Wood  
 Address 721 Justin Road, Suite 105  
 City, State, Zip Rockwall, TX 75087  
 County Tioga County  
 Township(s) Ward Township  
 Receiving Stream(s) and Classification(s) UNT to Fall Brook (CWF); Secondary Water: Fall Brook (CWF)

ESCGP-1 # ESX11-115-0046 (01)

Applicant Name Williams Production Appalachia, LLC  
 Contact Person David Freudenrich  
 Address 1000 Town Center, Suite 130  
 City, State, Zip Canonsburg, PA 15317  
 County Susquehanna County  
 Township(s) Liberty Township  
 Receiving Stream(s) and Classification(s) UNT to Snake Creek; Secondary Water: Snake Creek, both (CWF, MF)

ESCGP-1 # ESX11-115-0017 (01)

Applicant Name Williams Production Appalachia, LLC  
 Contact Person David Freudenrich  
 Address 1000 Town Center, Suite 130  
 City, State, Zip Canonsburg, PA 15317  
 County Susquehanna County  
 Township(s) Middletown Township  
 Receiving Stream(s) and Classification(s) UNT to Summers Creek; Secondary Water: North Branch Wyalusing Creek, both (CWF, MF)

## ACTIONS

### THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT FINAL ACTIONS TAKEN FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Wastes; Discharges to Groundwater
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should contact a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**I. NPDES Renewal Permit Actions**

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0063525 (Sewage)	Pocono Mountain School District (Clear Run Campus) Route 611 Tobyhanna, PA 18466	Monroe County Coolbaugh Township	Clear Run (2-A)	Y

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0085405 (Sew)	Kenneth Caudill Baladerry Inn, LP 40 Hospital Rd. Gettysburg, PA 17325	Adams County / Cumberland Township	UNT Rock Creek / 13-D	Y
PA0088234 (CAFO)	Franklin Family Farms, Inc. 14627 Lurgan Road Orrstown, PA 17244	Franklin County Lurgan Township	Conodoguinet Creek / 7-B	Y

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0041327 (Sewage)	PA College Of Technology- Schneebeli Earth Science Center 203 Allenwood Camp Lane Montgomery, PA 17752	Lycoming County Clinton Township	Unnamed Tributary to Black Hole Creek (10-C)	Y
PA0113182 (Sewage)	Nittany Grove MHC WWTP 113 Ramsey Way Boalsburg, PA 16827	Centre County Harris Township	Spring Creek (9-C)	Y
PA0101290 (Sewage)	Sandy Township PO Box 267 12th and Chestnut Street DuBois, PA 15801	Sandy Township, Clearfield County	Wolf Run, CWF	Yes

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0204641 Sewage	Svilar SR STP 1481 Cavitt Road Monroeville, PA 15146	Allegheny County Monroeville Borough	Turtle Creek	Y
PA0025992 Sewage	Longvue No. 1 STP 1275 Hazlett Road Pittsburgh, PA 15327	Allegheny County McCandless Township	Little Pine Creek	N

**II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions**

*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401*

**NPDES Permit No. PA0050733**, Sewage, **Lincoln University**, 1570 Baltimore Pike, PO Box 179, Lincoln University, PA 19352-999.

This proposed facility is located in Lower Oxford Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge 0.180 mgd of treated sewage from a facility known as Lincoln University to McDonald Run in Watershed 7-K.

**NPDES Permit No. PA0026816**, Sewage, **East Norriton Plymouth Whitpain Joint Sewer Authority**, 200 Ross Street, Plymouth Meeting, PA 19462-2740.

This proposed facility is located in Plymouth Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge 801 MGD of treated effluent from a facility known as East Norriton Plymouth STP to Schuylkill River in Watershed 3-F.

*Northcentral Regional Office: Regional Water Management Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448, Telephone: 570.327.3664.*

**PA0032492, Sewage**, SIC Code 4952, **PA DCNR Bald Eagle State Park**, 149 Main Park Road, Howard, PA 16841-3508. Facility Name: Bald Eagle State Park. This existing facility is located in Liberty Township, **Centre County**.

Description of Existing Activity: The action is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Bald Eagle Creek, is located in State Water Plan watershed 9-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The effluent limits for Outfall 001 are based on a design flow of 0.45 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD <sub>5</sub>	94	150	XXX	25	40	50
Total Suspended Solids	113	169	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX

The monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

Parameters	Mass (lbs)		Minimum	Concentration (mg/l)	
	Monthly	Annual		Monthly Average	Maximum
Ammonia—N	Report	Report		Report	
Kjeldahl—N	Report			Report	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report	Report		Report	
Total Phosphorus	Report	Report		Report	
Net Total Nitrogen (Interim)	Report	Report			
Net Total Nitrogen (Final)	Report	8219			
Net Total Phosphorus (Interim)	Report	Report			
Net Total Phosphorus (Final)	Report	1096			

\* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document #392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

\* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on October 1, 2013. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2014. This facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until September 30, 2013.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

### III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790*

**WQM Permit No. 4511401**, SIC Code 4952, **Arrowhead Sewer Company, Inc.**, H.C. 88 Box 305, Pocono Lake, PA 18347.

This proposed facility is located in Coolbaugh and Tobyhanna Townships, **Monroe County**.

Description of Proposed Action/Activity: Issuance of a WQM permit for the construction/modification/operation of sewage facilities consisting of approximately 7.1 miles of previously constructed low pressure sanitary sewer extensions in Sections 1-13 of the Arrowhead Lake Community. The modification and retrofit work includes: replacement of two (2) undersized sections of existing low pressure lines; terminal cleanouts; valves; flushing connections; and concrete encasement around three (3) stream crossings after they are lowered to achieve 3 feet of cover over the concrete encasement.



*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

**WQM Permit No. 2170410 Amendment No. 11-1**, Sewage, **Lower Allen Township Authority**, 120 Limekiln Road, New Cumberland, PA 17070-2428.

This proposed facility is located in Lower Allen Township, **Cumberland County**.

Description of Proposed Action/Activity: Amendment approval for the construction / operation of sewage facilities consisting of BNR upgrade converting existing aeration tanks to Primary Anoxic and Oxidic Zones, construction of additional tankage for additional Oxidic Zones, Secondary Anoxic and Reaeration Zones, construction of 3" Final Clarifier, modification and addition of splitter boxes, replacement of some clarifier mechanisms and other assorted equipment, and addition of covered biosolids storage.

**WQM Permit No. 0105402, Amendment 11-1**, Sewage, **Lake Meade Municipal Authority**, 59 Curtis Drive, East Berlin, PA 17316.

This proposed facility is located in Reading Township, **Adams County**.

Description of Proposed Action/Activity: Replacement of WWTF Lift Pumping Station.

**WQM Permit No. 6711201**, Industrial Waste, **Red Lion Borough Municipal Authority**, PO Box 190, Red Lion, PA 17356.

This proposed facility is located in Windsor Township, **York County**.

Description of Proposed Action/Activity: Modification of industrial wastewater facilities consisting of an existing holding tank and line with a new decanter and polymer feed system.

**WQM Permit No. 2204406, Amendment 11-1**, Sewage, **East Hanover Township**, 8848 Jonestown Road, PO Box 4323, Grantville, PA 17028-8650.

This proposed facility is located in East Hanover Township, **Dauphin County**.

Description of Proposed Action/Activity: Construction/Operation of sewerage facilities consisting of: a new Channel Monster & Auger Monster by JWC Environmental, Inc., to be used at the Dairy Lane WWTF.

**WQM Permit No. WQG01281102**, Sewage, **Jason Petre**, 10228 Claylick Road, Mercersburg, PA 17236.

This proposed facility is located in Montgomery Township, **Franklin County**.

Description of Proposed Action/Activity: Construction/Operation of small flow sewage treatment system to serve two adjoining residential lots of 3.0+ acres traversed by a UNT of Licking Creek (TSF/MF). Both lots are improved with a 3-bedroom residence and both lots have failed OLDS.

**WQM Permit No. 2811403**, Sewage, 2307 Mt. Joy Road, Manheim, PA 17545.

This proposed facility is located in Fannett Township, **Fulton County**.

Description of Proposed Action/Activity: Construction/Operation of a small flow sewage treatment system to serve their proposed 4 bedroom single family residence, adjacent to 22221 Back Road, Doylesburg, PA 17219.

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**WQM Permit No. 0274469-A8**, Sewerage, **ALCOSAN**, 3300 Preble Avenue, PGH, PA 15233-1092

This existing facility is located in the City of PGH, **Allegheny County**

Description of Proposed Action/Activity: Permit amendment issuance.

**WQM Permit No. 0469401-A2**, Sewerage, **Municipal Authority Borough of Baden**, PO Box 134, 149 State Street, Baden, PA 15005

This existing facility is located in Baden Borough, **Beaver County**

Description of Proposed Action/Activity: Permit amendment issuance.

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**WQM Permit No. WQM1005407—Amendment 1**, Sewage, **Dawn E. Oesterling**, 176 Church Road, Slippery Rock, PA 16057. This proposed facility is located in West Liberty Borough, **Butler County**.

Description of Proposed Action/Activity: Addition of Ultraviolet light disinfection facilities.

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#### **IV. NPDES Stormwater Discharges from MS4 Permit Actions**

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#### **V. NPDES Waiver Stormwater Discharges from MS4 Actions**

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#### **VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions**

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*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI01 091103	USS Real Estate One Ben Fairless Drive Fairless Hills, PA 19030	Bucks	Falls Township	Delaware River (WWF-MF)
PAI01 1506023-R	Liberty Property Limited Partnership 500 Chesterbrook Blvd Malvern, PA 19355	Chester	East Whiteland Township	Valley Creek (EV)
PAI01 1511021	Melissa Stubenberg 5 Greenfield Lane West Grove, PA 19390	Chester	London Grove Township	East Branch White Clay Creek (EV-MF)
PAI01 461001-1	Pennsylvania Air National Guard 111th Fighter Wing 1120 Fairchild Street Horsham, PA 19044-5236	Montgomery	Horsham Township	Unnamed Tributary Park Creek (WWF)

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Monroe County Conservation District: 8050 Running Valley Road, Stroudsburg, PA 18360, 570-629-3060.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI024511015	Auto Zone, Inc. 123 S. Front St., 3rd Floor Memphis, TN 38103	Monroe	Mt. Pocono Borough	UNT Forest Hills Run, HQ-CWF, MF

*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

*Jefferson County Conservation District, 1514 Route 28, Brookville PA 15826*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI063309002	Delta Construction & Design 18570 Route 322, Suite 1 Clarion PA 16214	Clarion	Pine Creek Township	Redbank Creek HQ; CWF

## **VII. Approvals to Use NPDES and/or Other General Permits**

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision in 40 CFR 123.23(d).

### **List of NPDES and/or Other General Permit Types**

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated with Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater from Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities
PAG-5	General Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

*General Permit Type—PAG-02**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Doylestown Township Bucks County	PAG0200 0911044	Delaware Valley College 700 Route 202 Doylestown, PA 18901	Unnamed Tributary Neshaminy Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Southampton Township Bucks County	PAG0200 0911035	Rite Aid Corporation 1007 Runaway Drive Pennsburg, PA 18073	Neshaminy Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Springfield Township Bucks County	PAG0200 0906112-R	Solteck Equities, LLC 703 West Market Street Perkasie, PA 18944	Tumble Creek (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Hilltown Township Bucks County	PAG0200 0904097-R	Toll XV, LP 250 Gibraltar Road Horsham, PA 19044	North Branch Neshaminy Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Falls Township Bucks County	PAG0200 0911045	Township of Falls 188 Lincoln Highway, Suite 100 Fairless Hill, PA 19030	Rock Run/Martins Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Thornbury Township Delaware County	PAG0200 2310012	J. Ward Guilday 1461 Gradyville Road Glen Mills, PA 19342	Chester Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Tinicum Township Delaware County	PAG0200 2306048-R	VDT, LLC 560 Fellowship Road, Suite 321 Mt. Laurel, NJ 18054	Unnamed Tributary Delaware River (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Whitemarsh Township Montgomery County	PAG0200 4611025	Michael Piotrowicz 504 Anthony Drive Plymouth Meeting, PA 19462	Lorraine Run (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Gwynedd Township Montgomery County	PAG0200 4611011	N. Paone Construction, Inc. 3220 Bergey Road, Suite 100 Hatfield, PA 19440	Towamencin Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Gwynedd Township Montgomery County	PAG0200 4611030	Upper Gwynedd Township 1 Parkside Place, PO Box 1 West Point, PA 19486	Towamencin Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Collegeville Borough Montgomery County	PAG0200 4611027	Collegeville Professional Center 555 Second Avenue Collegeville, PA 19426	Unnamed Tributary Perkiomen Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
New Hanover Township Montgomery County	PAG0200 4606064-R	David McSurdy, Jr. 430 Park Avenue Collegeville, PA 19426	Swamp Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Hatfield Township Montgomery County	PAG0200 4611039	PT Hatfield LP 795 East Lancaster Avenue Villanova, PA 19085	Neshaminy Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Skippack Township Montgomery County	PAG0200 4611013	Buck Enterprises & Landscaping PO Box 26122 Collegeville, PA 19426	Skippack Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
New Hanover Township Montgomery County	PAG0200 4605078-R	First Savings Bank of Perkasie 219 South Ninth Street Perkasie, PA 18944	Swamp Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511124	Henry McNeal 1901 Delancey Place Philadelphia, PA 19103	Wissahickon Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511123	Advanced GeoScience Corp. 1055 Andrew Drive, Ste A West Chester, PA 19380	Delaware River (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Mahantongo Twp., Schuylkill Co.	PAG02005406008(1)	Big B Manufacturing, Inc. 17 Municipal Road Klingerstown, PA 17941	Mahantongo Creek, CWF, MF	Schuylkill Co. Cons. Dist. 570-622-3742
Pittston Twp., Luzerne Co.	PAG02004006042R	Mericle Oak Street, LLC Robert Mericle 100 Baltimore Dr. Wilkes-Barre, PA 18702	UNT to Susquehanna River, CWF, MF UNT to Mill Creek, CWF, MF	Luzerne Co. Cons. Dist. 570-674-7991
Hanover Twp., Luzerne Co.	PAG02004011006	Elegant Homes, LLC Andy Kopczynski 51 Sterling Ave. Dallas, PA 18612	Spring Run, CWF, MF	Luzerne Co. Cons. Dist. 570-674-7991
Williams Twp., Northampton Co.	PAG02004806029R	Gregory Chrin Chrin Brother, Inc. 635 Industrial Dr. Easton, PA 18042	Unnamed Tributary to the Lehigh River, CWF, MF	Northampton Co. Cons. Dist. 610-746-1971
Throop Borough, Lackawanna Co.	PAG2003509005(1)	Throop Borough 436 Sanderson St. Throop, PA 18512	UNT to Lackawanna River, CWF, MF	Lackawanna Co. Cons. Dist. 570-281-9495
State College Borough Centre County	PAG2001410023	J.C. Bar Development, LLC CVS Pharmacy 3100 Market St Camp Hill, PA 17011	Spring Creek CWF, MF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte PA 16823 (814) 355-6817
Lewis Township Union County	PAG2006011010	Matt Dersham 716 Kaiser Run Rd Millmont, PA 17845	Buffalo Creek CWF, MF	Union County Conservation District Union County Government Center 155 N 15th St Lewisburg PA 17837 (570) 524-3860
Cranberry Township Butler County	PAG02 0010 11 010	Sheetz Inc Attn: Dave Mastrostefano 817 Brookfield Drive Seven Fields PA 16046	UNT Brush Creek WWF	Butler Conservation District 724-284-5270
Limestone Township Clarion County	PAG02 0016 11 002	Charles Machine Inc Neiswonger Construction 1557 Limestone Road Summerville PA 15864	Ohio River Basin	Clarion Conservation District 814-297-7813
Piney Township Clarion County	PAG02 0016 11 003	PA DOT District 10-0 2550 Oakland Avenue PO Box 429 Indiana PA 15701	Licking Creek CWF	Clarion Conservation District 814-297-7813

*Facility Location:  
Municipality &  
County*

*Permit No.*

*Applicant Name &  
Address*

*Receiving  
Water / Use*

*Contact Office &  
Phone No.*

Washington  
Township  
Jefferson County

PAG02 0033 11 001

Avera Companies  
5847 San Felipe  
Suite 3200  
Houston TX 77057

UNT Keys Run CWF

Jefferson Conservation  
District  
814-849-7463

Fox Township  
Elk County

PAG02 0024 11 002

McDermott Welding  
595 West Main Street  
Kersey PA 15846

UNT Elk Creek CWF

Elk Conservation District  
814-776-5373

Harborcreek  
Township  
Erie County

PAG02 0025 11 007

Penn State—Erie  
4701 College Drive  
Erie PA 16563

Four Mile Creek  
WWF; MF

Erie Conservation  
District  
814-825-6403

Millcreek Township  
Erie County

PAG02 0025 11 019

Cheddar's Casual Café  
2250 W. John Carpenter  
FreeWay, Suite 560  
Irving TX 75063

Walnut Creek  
CWF; MF

Erie Conservation  
District  
814-825-6403

Hickory Township  
Lawrence County

PAG02 0037  
06 007R

David J. Smith and  
Sons Construction  
Attn: Mr. David J. Smith  
747 State Route 956  
Volant PA 16156

UNT Hottenbaugh Run  
TSF

Lawrence Conservation  
District  
724-652-4512

*General Permit Type—PAG-3*

*Facility Location:  
Municipality &  
County*

*Permit No.*

*Applicant Name &  
Address*

*Receiving Water / Use*

*Contact Office & Phone  
No.*

Upper Nazareth  
Boro.  
Northampton  
County

PAR322203

C.F. Martin & Co., Inc.  
510 Sycamore Street  
Nazareth PA 18064

Schoeneck Creek (WWF)

PA DEP  
Northeast Regional Office  
2 Public Square  
Wilkes-Barre, PA  
18701-1915  
570-826-2511

Dauphin County  
Middletown  
Borough

PAR803644

Federal Express  
Corporation  
3620 Hacks Cross Road  
Building B, 2nd Floor  
Memphis, TN 38125

Swatara Creek / WWF

DEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA 17110  
717-705-4707

Dauphin County  
Harrisburg City

PAR803697

Federal Express  
Corporation  
3620 Hacks Cross Road  
Building B, 2nd Floor  
Memphis, TN 38125

Laurel Run Creek / WWF

DEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA 17110  
717-705-4707

Town of Bloomsburg  
Columbia County

PAR204819

Kawneer Company Inc.  
Technology Park /  
Atlanta  
555 Guthridge Court  
Norcross, GA 30092

Kinney Run (also known  
as Neals Run) and  
Susquehanna River—5-D

DEP Northcentral  
Regional Office  
Water Management  
208 W Third Street  
Suite 101,  
Williamsport, PA  
17701-6448  
570.327.3664

Winslow Township  
Jefferson County

PAR608312

Daniel F. Kutsch d/b/a  
Wells Auto Wrecking  
4510 Route 322  
Reynoldsville, PA 15851

Soldier Run 17-C

DEP NWRO  
Water Management  
230 Chestnut Street  
Meadville, PA 16335-3481  
814/332-6942

Shenango Township  
Lawrence County

PAR608335

New Castle  
Auto Wrecking  
2627 Ellwood Road  
New Castle, PA 16101

Unnamed Tributary to  
Big Run 20-A

DEP NWRO  
Water Management  
230 Chestnut Street  
Meadville, PA 16335-3481  
814/332-6942



*Facility Location:  
Municipality &  
County*

*Permit No.*

*Applicant Name &  
Address*

*Receiving Water / Use*

*Contact Office & Phone  
No.*

Allegheny Township PAR228344  
Butler County

UFP Parker Wood Mfg.  
1 Penn West Way  
Emlenton, PA 16373

Unnamed Tributary to  
Scrubgrass Creek 16-G

DEP NWRO  
Water Management  
230 Chestnut Street  
Meadville, PA 16335-3481  
814/332-6942

City of New Castle PAR208338  
Lawrence County

Ezefflow USA Inc.,  
1400 New Butler Rd.  
New Castle, PA 16101

Unnamed Tributary to  
Big Run 20-A

DEP NWRO  
Water Management  
230 Chestnut Street  
Meadville, PA 16335-3481  
814/332-6942

*General Permit Type—PAG-4*

*Facility Location:  
Municipality &  
County*

*Permit No.*

*Applicant Name &  
Address*

*Receiving  
Water / Use*

*Contact Office &  
Phone No.*

Franklin County / PAG043917  
Montgomery  
Township

Jason L. Petre  
10228 Claylick Road  
Mercersburg, PA 17236

UNT Licking Creek /  
TSF/MF

DEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA 17110  
717-705-4707

West Liberty PAG041025  
Borough  
Butler County

Dawn E. Oesterling  
176 Church Road  
Slippery Rock, PA 16057

Hogue Run 20-C

DEP NWRO  
Water Management  
230 Chestnut Street  
Meadville, PA 16335-3481  
814/332-6942

*General Permit Type—PAG-6*

*Facility Location:  
Municipality &  
County*

*Permit No.*

*Applicant Name &  
Address*

*Receiving  
Water / Use*

*Contact Office &  
Phone No.*

Rankin Borough PAG066105  
Allegheny County

Rankin Borough  
320 Hawkins Avenue  
Rankin, PA 15104-1008

Monongahela River

Southwest  
Regional Office:  
Water Management  
Program Manager  
400 Waterfront Drive  
Pittsburgh PA 15222-4745  
(412) 442-4000

Turtle Creek PAG066118  
Borough  
Allegheny County

Turtle Creek Borough  
125 Monroeville Avenue  
Turtle Creek, PA 15145

Thompson Run/  
Turtle Creek

Southwest  
Regional Office:  
Water Management  
Program Manager  
400 Waterfront Drive  
Pittsburgh PA 15222-4745  
(412) 442-4000

*General Permit Type—PAG-8*

*Facility Location:  
Municipality &  
County*

*Permit No.*

*Applicant Name &  
Address*

*Site Name &  
Location*

*Contact Office &  
Phone No.*

Ephrata Borough PAG083565  
Lancaster County

Ephrata Borough  
Authority

Ephrata Wastewater  
Treatment Plant #1  
405 South Reading Road  
Ephrata, PA 17522

DEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA  
17110-8200  
717-705-4707

*General Permit Type—PAG-8 (SSN)*

*Facility Location:  
Municipality &  
County*

*Permit No.*

*Applicant Name &  
Address*

*Site Name &  
Location*

*Contact Office &  
Phone No.*

Conewago Township PAG083505  
York County

Springettsbury Township  
WWTP  
3501 North  
Sherman Street  
York, PA 17401

Jim Rexroth  
North Farm  
Conewago Township  
York County

DEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA  
17110-8200  
717-705-4707

*General Permit Type—PAG-10**Facility Location:  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Receiving  
Water/Use**Contact Office &  
Phone No.*Chest Township  
Clearfield County

PAG104822

Caiman Penn  
Midstream LLC  
Ballarotto Road  
Chest, PA 15753Unnamed Tributary to  
North Witmer Run and  
Unnamed Tributary to  
Holes Run—8-CDEP Northcentral  
Regional Office  
Water Management  
208 W Third Street  
Suite 101,  
Williamsport, PA  
17701-6448  
570.327.3664*General Permit Type—PAG-12**Facility Location:  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Receiving  
Water/Use**Contact Office &  
Phone No.*Perry County /  
Howe Township

PAG123544

Hershey Ag /  
Shadewood Farms  
PO Box 68  
Marietta, PA 17547

Howe Run / 12-B

DEP—SCRO—  
Watershed  
Management Program  
909 Elmerton Avenue  
Harrisburg, PA 17110  
717-705-4802**PUBLIC WATER SUPPLY PERMITS**

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system. 3

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**SAFE DRINKING WATER****Actions taken under the Pennsylvania Safe Drinking Water Act**

*Southeast Region: Water Supply Management Program Manager, 2 East Main Street, Norristown, PA 19401*

**Permit No. 4611511** Public Water Supply

## Applicant

**Schwenksville Borough  
Authority**298 Main Street  
P. O. Box 458  
Schwenksville, PA 19473

## Borough

Schwenksville

## County

**Montgomery**

## Type of Facility

PWS

## Consulting Engineer

Ebert Engineering  
4092 Skippack Pike  
P. O. Box 540  
Skippack, PA 19474Permit to Construct  
Issued

April 4, 2011

**Permit No. 4611515** Public Water Supply

## Applicant

**Pennsylvania American  
Water**800 West Hersheypark Drive  
Hershey, PA 17033

## Township

Norristown

## County

**Montgomery**

## Type of Facility

PWS

## Consulting Engineer

PA American Water  
800 West Hershey Park Drive  
Hershey, PA 19033Permit to Construct  
Issued

May 2, 2011

**Permit No. 0911518** Public Water Supply

## Applicant

**Aqua Pennsylvania, Inc.**762 West Lancaster Avenue  
Bryn Mawr, PA 19010

## Township

Bensalem

## County

**Bucks**

## Type of Facility

PWS

Consulting Engineer Pennoni Associates, Inc.  
62 Rockford Road  
Wilmington, Delaware 19806

Permit to Construct March 13, 2011  
Issued

**Operations Permit 0911546** issued to: **Richland Township Water Authority** 1328 California Road, Suite-D, Quakertown, PA 18951

PWSID# 1090057 Richland Township, Bucks County on July 29, 2011, for operation of Facilities approved under construction permit 0909504 for Arsenic, Iron, and Manganese Treatment Systems at Sweetbriar Well House, located at Richlandtown Township, **Bucks County**.

*Northeast Region: Water Supply Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790*

**Permit By Rule**, Public Water Supply.

Applicant **Vogel Farm Spring Water**  
174 Dulcey Rd.  
Weatherly, Pa 18255

[Borough or Township] Hazle Twp

County **Luzerne Co.**

Type of Facility Bottled Water

Consulting Engineer NA

Application Received

Description of Action 2/28/2011

On August 12, 2011, the applicant was granted a permit by rule under Chapter 109.1005(c)(1) through (5) and provided acceptable documentation. The bottling plant operation has a water storage tank, ozonation, and a bottle washer, filler and capper.

*Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

**Permit No. 6711510 MA, Minor Amendment**, Public Water Supply.

Applicant **J & A MHP**  
Municipality Newberry Township

County **York**

Responsible Official Adelle Britton  
3100 York Haven Road  
Manchester, PA 17345

Type of Facility 4-log treatment of viruses.

Consulting Engineer 1 - Not Available

Permit to Construct 8/22/2011  
Issued:

**Operations Permit** issued to: **Farmersville Menno-nite School**, 7360780, West Earl Township, **Lancaster County** on 8/22/2011 for the operation of facilities approved under Construction Permit No. 3610517.

**Operations Permit** issued to: **Shirleysburg Borough Water Authority**, 4310027, Shirley Township, **Huntingdon County** on 8/22/2011 for the operation of facilities submitted under Application No. 3111501 MA.

**Operations Permit** issued to: **Gettysburg Municipal Authority**, 7010019, Cumberland Township, **Adams County** on 8/22/2011 for the operation of facilities approved under Construction Permit No. 0111507.

*Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

**Permit No. Minor Amendment—Construction** Public Water Supply.

Applicant **BCI Municipal Authority**  
[Township or Borough] Glen Hope Borough

County **Clearfield**

Responsible Official Paul W. Winslow, Chairman  
BCI Municipal Authority  
P. O. Box 388  
Irvona, PA 16656

Type of Facility Public Water Supply

Consulting Engineer Joel E. Romagna, P.E.  
Stiffler, McGraw &  
Associates, Inc.  
1731 North Juniata Street  
Hollidaysburg, PA 16648

Application Received August 24, 2011

Description of Action Replacement of the roof system on the Glen Hope finished water storage tank.

**Permit No. 4910501—Operation** Public Water Supply.

Applicant **Line Mountain School District**

[Township or Borough] Lower Mahanoy Township

County **Northumberland**

Responsible Official Tim Lagerman,  
Facilities Manager  
Line Mountain School District  
185 Line Mountain Road  
Herndon, PA 17830

Type of Facility Public Water Supply

Consulting Engineer N. Peter Fleszar  
Glance Associates, Inc.  
3705 Trindle Road  
Camp Hill, PA 17011

Application Received August 25, 2011

Description of Action Operation of Well #3 with Isolux treatment.

**Permit No. 1708501—Operation** Public Water Supply.

Applicant **Township of Sandy**  
[Township or Borough] Sandy Township

County **Clearfield**

Responsible Official Richard Castonguay, Manager  
Township of Sandy  
1094 Chestnut Avenue  
P. O. Box 267  
Dubois, PA 15801

Type of Facility Public Water Supply

Consulting Engineer Matt Orner  
Gwin, Dobson & Foreman, Inc.  
3121 Fairway Drive  
Altoona, PA 16602

Application Received August 29, 2011

Description of Action      Operation of the recently constructed distribution waterlines to the western Sandy Township area, 250,000 finished water storage tank, pump station, booster chlorination facilities and related appurtenances.

*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745*

**Permit No. 3209501MA-A1**, Public Water Supply.

Applicant                      **Central Indiana County Water Authority**,  
30 East Wiley Street,  
Homer City, PA 15748

[Borough or Township]      Center Township

County                        **Indiana**

Type of Facility              Coral Water Storage Tank

Consulting Engineer        Bankson Engineers, Inc.  
267 Blue Run Road  
PO Box 200  
Indianola, PA 15051

Permit to Construct  
Issued                        August 17, 2011

**Permit No. 0410517**, Public Water Supply.

Applicant                      **Municipal Authority of the Borough of Midland**,  
946 Railroad Avenue,  
Midland, PA 15059

[Borough or Township]      Midland Borough

County                        **Beaver**

Type of Facility              Water system

Consulting Engineer        Widmer Engineering, Inc.  
806 Lincoln Place  
Beaver Falls, PA 15010

Permit to Construct  
Issued                        August 19, 2011

**Permit No. 5611502**, Public Water Supply.

Applicant                      **UMH Properties, Inc.**,  
3499 Route 9 North, #3C,  
Freehold, NJ 07728

[Borough or Township]      Somerset Township

County                        **Somerset**

Type of Facility              Sunny Acres Mobile Home Park

Consulting Engineer        The EADS Group, Inc.,  
450 Aberdeen Drive,  
Somerset, PA 15501

Permit to Construct  
Issued                        August 24, 2011

**Permit No. 3211501**, Public Water Supply.

Applicant                      **Indiana County Municipal Services Authority**,  
602 Kolter Drive,  
Indiana, PA 15701

[Borough or Township]      Canoe Township

County                        **Indiana**

Type of Facility              Rossiter water system

Consulting Engineer        Gibson-Thomas  
Engineering Co., Inc.,  
1004 Ligonier Street,  
PO Box 853,  
Latrobe, PA 15650

Permit to Construct  
Issued                        August 24, 2011

**Permit No. 6511501**, Public Water Supply.

Applicant                      **Municipal Authority of the Borough of Derry**,  
620 Chestnut Street,  
Derry, PA 15627

[Borough or Township]      Derry Borough

County                        **Westmoreland**

Type of Facility              Route 982 pump station

Consulting Engineer        Gibson-Thomas  
Engineering Co., Inc.,  
1004 Ligonier Street,  
PO Box 853,  
Latrobe, PA 15650

Permit to Construct  
Issued                        August 25, 2011

**Operations Permit** issued to: **Pennsylvania American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033, (PWSID #5260020) **Fayette County** on August 17, 2011 for the operation of facilities approved under Permit # 2699501MA.

**Operations Permit** issued to: **Pennsylvania American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033, (PWSID #5020039) **Donegal Township, Washington County** on August 17, 2011 for the operation of facilities approved under Construction Permit # 0210510.

**Operations Permit** issued to: **Borough of Sharpsburg**, 1611 Main Street, Pittsburgh, PA 15215, (PWSID #5020052) **Sharpsburg Borough, Allegheny County** on August 17, 2011 for the operation of facilities approved under Permit # 0209525GWR.

**Operations Permit** issued to: **Municipal Authority of the City of New Kensington**, PO Box 577, 920 Barnes Street, New Kensington, PA 15068, (PWSID #5650070) **City of New Kensington, Westmoreland County** on August 17, 2011 for the operation of facilities approved under Permit # 6510504.

**Operations Permit** issued to: **UMH Properties, Inc.**, 3499 Route 9 North, Suite 3C, Freehold, NJ, 07728, (PWSID #4560040) **Somerset Township, Somerset County** on August 17, 2011 for the operation of facilities approved under Permit # 4560040T2.

**Operations Permit** issued to: **Greater Johnstown Water Authority**, 640 Franklin Street, Johnstown, PA 15901, (PWSID #4110014) **West Taylor Township, Cambria County** on August 24, 2011 for the operation of facilities approved under Construction Permit # 1110505.

**Operations Permit** issued to: **The Municipal Authority of the Borough of Oakmont**, PO Box 73, 721 Allegheny Avenue, Oakmont, PA 15139, (PWSID #5020036) **Penn Hills, Allegheny County** on August 24, 2011 for the operation of facilities approved under Construction Permit # 0210519.

**Operations Permit** issued to: **Pittsburgh Water & Sewer Authority**, 1200 Penn Avenue, Pittsburgh, PA 15222, (PWSID #5020038) **City of Pittsburgh, Allegheny**



**County** on August 25, 2011 for the operation of facilities approved under Construction Permit # 0209521MA.

**Permit No. 6510504, Minor Amendment.** Public Water Supply.

Applicant	<b>Municipal Authority of the City of New Kensington,</b> PO Box 577, 920 Barnes Street, New Kensington, PA 15068
[Borough or Township]	City of New Kensington
County	<b>Westmoreland</b>
Type of Facility	Water system
Consulting Engineer	Gibson-Thomas Engineering Co., Inc., 1004 Ligonier Street, PO Box 853, Latrobe, PA 15650
Permit to Operate Issued	August 17, 2011

**Permit No. 0211507MA, Minor Amendment.** Public Water Supply.

Applicant	<b>Wilksburg-Penn Joint Water Authority,</b> 2200 Robinson Boulevard, Pittsburgh, PA 15221
[Borough or Township]	Pitcairn
County	<b>Allegheny</b>
Type of Facility	Pitcairn water storage tank
Consulting Engineer	Chester Engineers 1555 Coraopolis Heights Road Moon Township, PA 15108
Permit to Construct Issued	August 25, 2011

*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335*

Local Wellhead Protection Program Approval issued to the Venango Water Company, PWSID No. 6610014, Sugarcreek Borough, Venango County on August 2nd, 2011.

Local Wellhead Protection Program Approval issued to the Sugarcreek Water Company, PWSID No. 6610029, Sugarcreek Borough, Venango County on August 2nd, 2011.

#### **SEWAGE FACILITIES ACT PLAN APPROVAL**

##### **Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)**

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4707.*

*Plan Location:* East Hanover Township, Dauphin County

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
East Hanover Township	8848 Jonestown Rd Grantville PA 17028	Dauphin County

*Plan Description:* The approved plan extension of sewers, including new pump stations and force mains, to specifically identified areas of the township to serve approximately 180 existing properties. The Department's

review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority, as appropriate.

*Plan Location:* Located at 345 Old Mill Road, Carlisle in Lower Frankford Township, Cumberland County.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Centre Township	2971 Cold Storage Road, New Bloomfield, PA 17068	Perry

*Plan Description:* Approval of a revision to the Official Sewage Plan of Centre Township, Perry County. The approved plan provides for a Small Flow Treatment Facility (SFTF) to serve the existing Ryan M. Barrick dwelling at 7960 Spring Road, New Bloomfield. The proposed SFTF is to repair a malfunctioning on-lot sewage system with a treated discharge of 400 gallons per day to an unnamed tributary of the Little Juniata Creek. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

## **LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

### **UNDER ACT 2, 1995**

#### **PREAMBLE 2**

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.10—6026.907).**

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative

form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Northeast Region: Eric Supey, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**Palmer Property**, 188 Spring Box Lane, Lake Township, **Wayne County**. Richard D. Trimpi and Janine Jacobs, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 have submitted a Final Report (on behalf of their client Patrick Palmer, 610 King Road, Royersford, PA 19468), concerning the remediation of soil, groundwater, and surface water found to have been impacted by No. 2 fuel oil as a result of a release from a fuel oil line of an aboveground storage tank, which was damaged during an act of vandalism. The report was submitted to document attainment of the Residential Statewide Health Standard for soil, groundwater, and surface water. A public notice regarding the submission of the Final Report was published in *The Scranton Times* on July 13, 2011.

**Baver Residence**, 1 Rolling Mill Road, West Brunswick Township, **Schuylkill County**. James Cinelli and Jason Spanier, Liberty Environmental, Inc., 50 N. 5th Street, 5th Floor, Reading, PA 19601 have submitted a Final Report (on behalf of their clients, Frank and Marion Baver, 1 Rolling Mill Road, Auburn, PA 17922), concerning the remediation of soil found to have been impacted by diesel fuel as a result of a release from a punctured saddle tank of a truck, which accidentally skidded through a guard rail and came to rest on the property. The report was submitted to document attainment of the Residential Statewide Health Standard for soil. A public notice regarding the submission of the Final Report was published in *The Republican-Herald* on June 16, 2011.

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

**Northeast Acres Mobile Home Park (Rhoades Residence)**, 130 Northcrest Acres, Lebanon, PA 17046, North Lebanon Township, **Lebanon County**. Patriot Environmental Management, LLC, P. O. Box 629, Douglassville, PA 19518, on behalf of Lebanon Valley Homes, 1341 East Main Street, Palmyra, PA 17078 and Leffler Energy, PO Box 302, Mount Joy, PA 17552, submitted a Final Report concerning remediation of site soils contaminated with heating oil. The report is intended to document remediation of the site to meet the Residential State Health Standard.

**PA Army National Guard Chambersburg Armory**, 1010 Lincoln Highway, (Route 30 West), Chambersburg, PA 17201, Hamilton Township, **Franklin County**. PA Department of Military & Veterans Affairs, Fort Indiantown Gap, Bldg. 0-11, Annville, PA 17003, submitted a Final Report concerning remediation of site groundwater contaminated with heating oil. The report is intended to document remediation of the site to meet the Residential State Health Standard.

**Lasater Residence**, 35 Fawn Drive, Shillington, PA 19607, Cumru Township, **Berks County**. Barry Isett and Associates Incorporated, PO Box 147, Trexlertown, PA 18087, on behalf of William and Susan Lasater, 35 Fawn Drive, Shillington, PA 19607, submitted a Final Report concerning remediation of site soils contaminated with

No. 2 fuel oil. The report is intended to document remediation of the site to meet the residential Statewide Health Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).**

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Northeast Region: Eric Supey, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**AIM National Lease**, 101 Stair Way Drive, Olyphant Borough, **Lackawanna County**. Robert M. Byer, Jr.,

Sovereign Consulting, Inc., 50 West Welsh Pool Road, Suite 6, Exton, PA 19341 submitted a Final Report (on behalf of his client, AIM National Lease, 1500 Trumbull Road, Girard, OH 44420), concerning the remediation of soil found to have been impacted by a release of diesel fuel as a result of the oil company's burst hose during the filling of an aboveground tank. The report documented attainment of the Statewide Health Standard for soil and was approved on August 23, 2011. The report was originally submitted within 90 days of the release.

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Former United Stitches of America**, 38 West Main Street, Quentin, PA, 17083, West Cornwall Township, **Lebanon County**. Earth Resource Associates, Inc., 544 Hemlock Lane, Lebanon, PA 17042, on behalf of Fulton Financial Corporation, One Penn Square, Lancaster, PA 17602, submitted a Final Report concerning the remediation of site soils contaminated with heating oil. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on August 23, 2011.

*Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**Bradford Mall**, Foster Township, **McKean County**. Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Centro Watt, 580 West Germantown Pike, Plymouth Meeting, PA 19462-1305 has submitted a Remedial Investigation Report/Cleanup Plan concerning the remediation of site soil contaminated with PCE, TCE, 1,1-DCE, cis-1,2-DCE, and Vinyl Chloride and site groundwater contaminated with PCE, TCE, trans-1,2-DCE, 1,1-DCE cis-1,2-DCE, and Vinyl Chloride. The Remedial Investigation Report/Cleanup Plan was approved by the Department on August 23, 2011.

#### RESIDUAL WASTE GENERAL PERMITS

**Permit(s) Amended Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit Number WMGR114.** General Permit Number WMGR114 authorizes the processing of spent polyethylene glycol slurry containing silicon and silicon carbide or diamond and beneficial use in fresh slurry and in production of silicon ingots and silicon carbide. The processing is limited to mechanical separation, including filtration, thin film vacuum evaporation, spray drying, classification and grinding. The amendment to General Permit Number WMGR114 allows processing of used aluminum cold rolling lubricant for reuse by the generator. The permit was amended by Central Office on August 29, 2011.

The permittees operating under General Permit Number WMGR114 are:

**WMGR114.** PPT Research, Inc., 515 Business Park Lane, Allentown, PA 18109 WMGR114SC001. CRS Reprocessing, LLC, 569 Industrial Drive, Lewisberry, PA 17339

Persons interested in reviewing the general permit may contact Scott E. Walters, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, 717-787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

#### AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507*

**58-310-044GP3: Ray A. Darby - d/b/a R.S. Services** (119 Falls Road, Beech Creek, PA 16822) on August 18, 2011, to construct and operate a Portable Crushing Operation with watersprays at their Powers Stone Site in Forest Lake Township, **Susquehanna County**.

**58-329-036GP9: Ray A. Darby - d/b/a R.S. Services** (119 Falls Road, Beech Creek, PA 16822) on August 18, 2011, to install and operate Diesel I/C engines at their Powers Stone Site in Forest Lake Township, **Susquehanna County**.

**58-399-020GP5: Williams Field Services LLC** (51 Warren Street, Tunkhannock, PA 18657) on August 18, 2011, to construct and operate three (3) IC Engines at a Natural Gas Compressor Station site in Lenox Twp., **Susquehanna County**.

**58-310-043GP3: H.L. Robinson Sand & Gravel, Inc.** (535 Ithaca Road, Candor, NY 13743) on August 26, 2011 for the construction and operation of a Portable Crushing Operation with watersprays at the site located in New Milford Twp., **Susquehanna County**.

**58-329-035GP9: H.L. Robinson Sand & Gravel Inc.** (535 Ithaca Road, Candor, NY 13743) on August 26, 2011 for the installation and operation of Diesel I/C engines located at the site located in New Milford Twp., **Susquehanna County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935*

**GP19-67-03081: Finishing Systems, Inc.** (70 Willow Springs Circle, York, PA 17406) on August 16, 2011, for seven (7) shotblast machines controlled by four dust collectors, under GP19, at their metal finishing facility in Manchester Township, **York County**. The GP19 authorization was renewed for the six existing shotblast machines, and was initially issued for the seventh, new shotblast machine.

**GP19-67-03081: Finishing Systems, Inc.** (70 Willow Springs Circle, York, PA 17406) on August 16, 2011, for seven shotblast machines controlled by four dust collectors, under GP19, at the metal finishing facility located in Manchester Township, **York County**. The GP19 authorization was renewed for the six existing shotblast machines, and was initially issued for the seventh, new shotblast machine.



*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**GP5-08-350: SWEPI, LP** (190 Thorn Hill Road, Warrendale, PA 15086) on August 12, 2011, to construct and operate one 1380 hp Caterpillar model G3516B four-stroke lean-burn natural-gas fired compressor engines, one 20 MMscf/day NATCO SB12-8 dehydration units each equipped with a separate 0.25 MMBtu/hr natural-gas fired reboiler, and one 10,000 gallon drained water tank pursuant to the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities (BAQ-GPA/GP-5) at the Groff Compressor Station in Canton Township, **Bradford County**.

**GP5-41-648: SWEPI, LP** (190 Thorn Hill Road, Warrendale, PA 15086) on August 12, 2011, to construct and operate one 384 bhp AJAX model DPC-2802 LE two-stroke lean-burn natural gas fired, one 20 MMscf/day NATCO SB12-6 dehydration unit equipped with a separate 0.25 MMBtu/hr natural-gas fired reboiler, and one 10,000 gallon drained water tank pursuant to the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities (BAQ-GPA/GP-5) at the Graham #2 Compressor Station located in McNett Township, **Lycoming County**.

**GP5-41-649: SWEPI, LP** (190 Thorn Hill Road, Warrendale, PA 15086) on August 12, 2011, to construct and operate one 384 bhp AJAX model DPC-2802 LE two-stroke lean-burn natural gas fired, one 20 MMscf/day NATCO SB12-6 dehydration unit equipped with a separate 0.25 MMBtu/hr natural-gas fired reboiler, and one 10,000 gallon drained water tank pursuant to the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities (BAQ-GPA/GP-5) at the Delciotto Compressor Station located in McNett Township, **Lycoming County**.

**GP5-59-220: SWEPI, LP** (190 Thorn Hill Road, Warrendale, PA 15086) on August 12, 2011, for to construct and operate three 1380 hp Caterpillar model G3516B four-stroke lean-burn natural-gas fired compressor engines, two 20 MMscf/day NATCO SB12-8 dehydration units each equipped with a separate 0.25 MMBtu/hr natural-gas fired reboiler, and one 10,000 gallon drained water tank pursuant to the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities (BAQ-GPA/GP-5) at the Trimble Compressor Station in Union Township, **Tioga County**.

**GP3-59-218B: Atlas Land & Royalty, Inc.** (PO Box 703, 1028 Graphite Road, St. Marys, PA 15857) on July 25, 2011, to construct and operate a 2011 vintage Sandvik QA330 portable screening plant under the General Plan Approval and/or General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ-GPA/GP-3) at a site in Lawrence Township, **Tioga County**.

**Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401*

*Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920*

**23-0038D: Delaware County Regional Water Quality Control Authority—DELCORA** (P. O. Box 999, Chester, PA 19016) on August 24, 2011, to replace the auxiliary fuel burners on each of two (2) sewage sludge incinerators in the City of Chester, **Delaware County**. DELCORA is a major facility. The new burners will be dual fuel fired, #2 fuel oil and natural gas, compared with the existing burners which are only #2 fuel oil fired. There will be no change in number, location or capacity of the replacement burners, compared with the existing burners. No increases in emissions are requested. Emission limits for each incinerator for all pollutants (particulate matter, nitrogen oxides, sulfur oxides, carbon monoxide, total hydrocarbons) in the facility Operating Permit, 23-00038 will remain unchanged. With Plan Approval 23-0038D, DELCORA is taking additional restrictions in volatile organic compounds (VOC) and nitrogen oxides (NOx) emissions. The combined VOC emissions from both incinerators will be limited to 24.90 tons per year on a 12-month rolling sum basis. A Plantwide Applicability Limit (PAL) for NOx of 82.56 tons/year is set, in accordance with the requirements of 25 Pa. Code § 127.218. No changes to the incinerators, besides the burner replacement, are authorized under this Plan Approval. The Plan Approval will include monitoring, testing and recordkeeping requirements designed to keep the facility operating within all applicable air quality requirements.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507*

**40-320-030: Crestwood Membranes, Inc.** (755 Oakhill Road, Mountaintop, PA 18707) on August 22, 2011, to install a new printing press with a regenerative thermal oxidizer at their facility in Wright Township, **Luzerne County**.

**45-318-034: Tobyhanna Army Depot** (11 Hap Arnold Boulevard, Tobyhanna, PA 18466) on August 10, 2011, for their two (2) new blasting booths with dust collectors and two (2) new paint booths with panel filters and dryers at their facility in Coolbaugh Township, **Monroe County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935*

**01-05016M: ISP Minerals, Inc.** (PO Box O, 1455 Old Waynesboro Road, Blue Ridge Summit, PA 17214-0914) on August 22, 2011, to install and operate a Back Surfacing System, with a 75 tph Air Classifier and Air Slide controlled by two baghouses, at their Charmian Quarry in Hamiltonban Township, **Adams County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: Mark Gorog and Barb Hatch, Environmental Engineering Managers—Telephone: 412-442-4163/5226*

**30-00183B: EQT Gathering, LLC** (Suite 1700, 625 Liberty Ave., Pittsburgh, PA 15222) on August 18, 2011, for construction and temporary operation of a TEG dehydration unit plant for their facility in Morgan Township, **Greene County**. Also to extend the period of temporary operation for the equipment at the facility authorized under PA-30-00183B which consists of three (3) 2,370-bhp



Caterpillar/Ariel 3608 compressor engines controlled by oxidation catalysts, one (1) 450-kw emergency generator, two (2) TEG dehydration units, two (2) catalytic heaters, and seven (7) pressurized storage tanks. The facility emits 41.09 tons per year of NO<sub>x</sub>, 13.83 tons per year of CO, 21.67 tons per year of VOC 2.75 tons per year of formaldehyde, and 12.38 tons per year of the total of all HAPs. The permit also includes emission limitations, operational requirements, monitoring requirements, and recordkeeping requirements.

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**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401*

*Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920*

**15-0078F: Centocor, Inc.** (200 Great Valley Parkway, Malvern, PA 19355) on August 22, 2011, to operate an electric generator in East Whiteland Township, **Chester County**.

**23-0111B: Centocor Research and Development, Inc.** (145 King of Prussia Road, Radnor, PA 19087) on August 22, 2011, to operate a generator in Radnor Township, **Delaware County**.

**09-0024F: Waste Management of PA, Inc.** (1000 New Ford Mill Road, Morrisville, PA 19067) on August 22, 2011, to operate a landfill construction in Tullytown Borough, **Bucks County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935*

**34-05001D: Armstrong Cabinet Products** (12393 William Penn Highway, Thompsettown, PA 17094) on August 22, 2011, for modifications and additions to their wood cabinet surface coating operation in Delaware Township, **Juniata County**. The plan approval was extended.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: M. Gorog & B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**30-00077: Texas Eastern Transmission, L.P.** (P. O. Box 1642, Houston, TX 77251-1642) on August 25, 2011, to extend Air Quality Plan Approval PA-30-00077B for 180 days to allow additional time for completion of review of stack test reports, and to allow TE additional time to update their pending TVOP application. PLA-30-00077B was originally issued to authorize the installation of a new Solar Mars 100-150002S III turbine rated at 15,000 hp, the installation of a turbine fuel gas heater rated at 0.874 mmbtu/hr, the installation of a remote reservoir parts washer, the update of transient emission estimates for an existing Solar Mars 100-150002S II turbine and the deactivation of four existing Cooper Bessemer GMV-10-S internal combustion engines (Sources 103, 104, 105, 107) at Texas Eastern's Holbrook Station located in Wind Ridge, Richhill Township, **Greene County**. The plan approval has been extended.

**03-00245A: T.J.S. Mining Inc.** (301 Market Street, Kittanning, PA 16201) on August 26, 2011 for an extension of the plan approval for their T.J.S. #6 Coal Preparation Plant located in Plumcreek Township, **Armstrong County**. The plan approval has been extended.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636*

**25-069N: BASF Corp. - Erie Plant** (1729 East Avenue Erie, PA 16503) on August 31, 2011, to operate a fluidized bed reactor, loading hopper and two (2) dust collection systems to capture particulate matter at their facility in the City of Erie, **Erie County**. This is a State Only facility.

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**Title V Operating Permits Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.**

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*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935*

**06-05040: East Penn Manufacturing Co., Inc.** (PO Box 147, Lyon Station, PA 19536) on August 22, 2011, for the secondary lead smelting facility in Richmond Township, **Berks County**. The Title V permit was renewed.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6131*

**62-00012: GenOn REMA, LLC - Warren Generating Station** (121 Champion Way, STE 200, Canonsburg, PA 15317-5817) on August 16, 2011, to modify a Title V Operating Permit to operate an electric generating facility, in Conewango Township, **Warren County**. The facility uses a Combustion Turbine to generate electricity during peak demand periods. The modification was at the request of the permittee and lowers the allowable sulfur content of the fuel oil used by the Combustion Turbine. The more restrictive limit of 0.05% sulfur content replaced the 0.5% limit.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920*

**09-00123: Hanson Aggregates BMC, Inc.** (Ottsville Asphalt Plant 262 Quarry Road, Ottsville, PA 18942) on August 25, 2011, for renewal of a Synthetic Minor Operating Permit under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.450 in Nockamixon Township, **Bucks County**. The Operating Permit will contain record keeping requirements, monitoring requirements and operating conditions designed to keep the facility operating within the allowable emission limits and all applicable air quality requirements.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507*

**48-00008: Cadmus Investments, LLC** (1991 Northampton Street, Easton, PA 18042-3173) on August 25, 2011, to renew a State Only Operating Permit for their book manufacturing and printing operation in Wilson Borough, **Northampton County**.

**35-00054: Bardane Manufacturing Co.** (P O Box 70, Delaware Street, Jermyn, PA 18433-0070) on August 25, 2011, to operate and manufacture their aluminum die castings facility and its associated activities at their facility in Jermyn Borough, **Lackawanna County**. This action is a renewal of the State Only Operating Permit.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935*

**22-03009: Dauphin Precision Tool, LLC** (200 Front Street, Millersburg, Pennsylvania 17061-1324) on August 11, 2011 for the precision metal cutting tools manufacturing facility located in Millersburg Borough, **Dauphin County**. The State Only Operating permit was renewed.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-616636*

**33-00144: National Fuel Gas Supply Corp. - Heath Station** (17447 Route 949, Sigel, PA 15860) on August 16, 2011, to re-issue a Natural Minor Permit to operate a natural gas compressor station and gas processing plant in Heath Township, **Jefferson County**.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104*

*Contact: Edward Wiener, Chief—Telephone: 215-685-9426*

**S11-005: Commander Navy Region Mid-Atlantic.** (700 Robbins Avenue, Philadelphia, PA 19111) for operation of an office building in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include one (1) 29.3 MMBTU/hr boiler burning natural gas or No.4 or No.6 oil, two (2) 32.66 MMBTU/hr boilers burning natural gas or No.4 or No.6 oil, two (2) 1.3 MMBTU/hr boilers burning natural gas, one (1) 0.75 MMBTU/hr boiler burning natural gas, three (3) boiler and water heaters less than 0.25 MMBTU/hr burning natural gas, seven (6) emergency generators, a fire pump, a carpentry shop, a paint booth, and a gasoline storage and dispensing tank.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920*

**09-00152: Gelest, Inc.** (11 East Steel Road, Morrisville, PA 19067) on August 24, 2011, located in Falls Township,

**Bucks County**. The state only permit is being amended to incorporate conditions from Plan Approval No. 09-0152B. The permit will include monitoring, record keeping and reporting requirements designed to address all applicable air quality requirements.

**46-00081: Markel Corp.** (435 School Lane) on August 26, 2011, for a minor modification of TVOP No. 46-00081 for its facility located in Plymouth, **Montgomery County**. The minor modification changes the source testing report due date on the Catalytic Oxidizer system (Source ID: C01) from six (6) month to two (2) months prior to the expiration date. The modified TVOP includes monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

Minor modification of TVOP No. 46-00081 is issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.462.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935*

**36-03067: Covance Research Products, Inc.** (310 Swamp Bridge Road, Denver, Pennsylvania 17517-8723), on August 11, 2011 for the operation of two animal cremation units at the animal research facility located in West Cocalico Township, **Lancaster County**. This State Only Operating permit was administratively amended to incorporate the requirements of Plan Approval No. 36-03067A.

**20-00034: Northwest Hardwoods Inc.—Titusville Campbell Road** (11117 Skyline Drive, Titusville, PA 16354), on August 24, 2011, issued an administrative amendment to the State Operating Permit to incorporate the change of ownership, responsible official and permit contact for the facility in Oil Creek Township, **Crawford County**.

**20-00256: Northwest Hardwoods Inc.—Titusville Skyline Mill** (11117 Skyline Drive, Titusville, PA 16354) on August 24, 2011, issued an administrative amendment to the State Operating Permit to incorporate the change ownership, responsible official and permit contact for the facility in Oil Creek Township, **Crawford County**.

**06-05009: New Enterprise Stone & Lime Co., Inc.** (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034-9467) on August 22, 2011, for their stone crushing and batch asphalt production facility in Maxatawny Township, **Berks County**. The State-only permit was administratively amended to reflect a change of ownership.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104*

*Contact: Edward Wiener, Chief—Telephone: 215-685-9426*

**V95-047: Honeywell International, Inc.** (Margaret and Bermuda, Philadelphia, PA 19137) administratively amended on August 24, 2011 to incorporate a change of ownership and contact information. The Title V operating permit was originally issued on April 17, 2003.



## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).**

### *Coal Applications Returned*

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**61100101. K & A Mining** (P. O. Box 288, Grove City, PA 16127) Revision to an existing bituminous surface mine to add blasting in Irwin Township, **Venango County** affecting 68.6 acres. Receiving streams: Unnamed tributary to Williams Run, unnamed tributary to Scrubgrass Creek, and unnamed tributary to East Branch Wolf Creek. Application received: June 13, 2011. Application Withdrawn: August 23, 2011.

### *Coal Permits Actions*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900*

**56950103 and NPDES No. PA0213071. Heritage Mining Company**, Box 126, Cresson, PA 16630, permit renewal for reclamation only of a bituminous surface mine in Shade Township, **Somerset County**, affecting 78.5 acres. Receiving stream(s): UTS to/and Oven Run; UTS to/and Stonycreek Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: April 27, 2011. Permit issued: August 23, 2011.

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500*

**EGS26007. Mountain Watershed Association, Inc.** (1414B Indian Creek Valley Road, P. O. Box 408, Melcroft, PA 15462). Project approved for treatment of an abandoned mine discharge located in Saltlick Township, **Fayette County**, affecting 14 acres. Receiving streams: Champion Creek. Application received: December 21, 2010. EGS permit issued: August 23, 2011.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**54803004R5. Rausch Creek Land, LP**, (978 Gap Street, Valley View, PA 17983), renewal of an anthracite surface mine operation for reclamation activities only in Hegins and Porter Townships, **Schuylkill County** affecting 214.0 acres, receiving stream: Good Spring Creek. Application received: October 21, 2010. Renewal issued: August 23, 2011.

**54803004GP104.** General NPDES Permit for storm-water discharges associated with mining activities on Surface Mining Permit No. 54803004R5 in Hegins & Porter Townships, **Schuylkill County**, receiving stream: Good Spring Creek. Application received: December 29, 2010. Permit issued: August 23, 2011.

**54921601C2 and NPDES Permit No. PA0224847. Gale Mining Company**, (1441 Oak Road, Pottsville, PA 17901), correction to an existing anthracite preparation plant operation to increase the permitted acres to 17.1 and to include an NPDES Permit for discharge of treated mine drainage in Rush Township, **Schuylkill County**, receiving stream: Little Schuylkill River. Application received: April 19, 2010. Permit corrected: August 24, 2011.

### *Noncoal Permits Actions*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900*

**07960301 and NPDES Permit No. PA0213306, Grannas Brothers Stone & Lime Company, Inc.**, P. O. Box 488, Hollidaysburg, PA 16648, renewal of NPDES Permit, Catharine Township, **Blair County**. Receiving stream(s): unnamed tributaries to/and Frankstown Branch Juniata River classified for the following use(s): warm water fishery; trout stocked fishery. There are no potable water supply intakes within 10 miles downstream. Application received: February 14, 2011. Permit issued: August 22, 2011.

**05960301 and NPDES Permit No. PA0213373. New Enterprise Stone & Lime Company, Inc.**, P. O. Box 77, Church Street, New Enterprise, PA 16664, renewal of NPDES permit, Snake Spring Valley Township, **Bedford County**. Receiving stream(s): Raystown Branch Juniata Valley classified for the following use(s): trout stocked fishery. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received: February 18, 2011. Permit issued: August 22, 2011.

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500*

**03010407 and NPDES Permit No. PA0250040. Stitt Coal Company, Inc.** (811 Garretts Run Road, Ford City, PA 16226). NPDES permit renewal issued for continued operation and reclamation of a large noncoal surface mine located in Kittanning Township, **Armstrong County**, affecting 301.3 acres. Receiving streams: Garretts Run to Allegheny River. Renewal application received: May 23, 2011. Renewal issued: August 24, 2011.

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**37960301. ESSROC Cement Corp.** (P. O. Box 779, Bessemer, PA 16112) Renewal of NPDES Permit No. PA0227188 in North Beaver & Mahoning Townships, **Lawrence County**. Receiving streams: Unnamed tributary to Mahoning River and unnamed tributary to Hickory Run. Application received: June 13, 2011. Permit Issued: August 24, 2011.

## ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

*Blasting Permits Actions*

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200*

**08114017. Johnson Quarries, Inc.** (P. O. Box 136, LeRayville, PA 18829). Blasting at Johnson Quarries, Inc. General Permit #08112502 located in Warren Township, **Bradford County**. Permit issued: August 15, 2011. Permit expires: December 31, 2012.

**08114127. Mauer & Scott Sales, Inc.** (122 Thomas St., Coopersburg, PA 18036-2100). Blasting for a natural gas well pad located in Wysox Township, **Bradford County**. Permit issued: August 10, 2011. Permit expires: December 31, 2011.

**08114128. Meshoppen Blasting Inc.** (Frantz Road, P. O. Box 127, Meshoppen, PA 18630). Blasting for a well pad located in Orwell Township, **Bradford County**. Permit issued: August 17, 2011. Permit expires: November 30, 2011.

**17114004. Dynamic Drilling LLC** (10373 Taylor Hawks Road, Herron, MI 46744). Blasting for Carrizo-CT-24 located in Sandy and Union Townships, **Clearfield County**. Permit issued: August 19, 2011. Permit expires: October 1, 2011.

**17114005. Dynamic Drilling LLC** (10373 Taylor Hawks Road, Herron, MI 46744). Blasting for DuBois 2D located in Sandy and Union Townships, **Clearfield County**. Permit issued: August 19, 2011. Permit expires: October 1, 2011.

**17114007. Dynamic Drilling LLC** (10373 Taylor Hawks Road, Herron, MI 46744). Blasting for Carrizo 2D CC-04 located in Beccaria Township, **Clearfield County**. Permit issued: August 19, 2011. Permit expires: October 1, 2011.

**41114019. Telsa-Conquest, Inc./Tesla Exploration USA Ltd.,** (#100, 6430 S. Fiddlers Green Circle, Greenwood Village, CO 80111). Seismic exploration blasting located in Loyalsock, Fairfield and Gamble Townships, **Lycoming County**. Permit issued: August 11, 2011. Permit expires: August 14, 2012.

**57114107. Douglas Explosives, Inc.** (P. O. Box 77, Philipsburg, PA 16866). Blasting for highway road construction, SR87 SEC. 65M, located in Forks Township, **Sullivan County**. Permit issued: August 19, 2011. Permit expires: December 30, 2011.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**66114117. Meshoppen Blasting, Inc.,** (P. O. Box 127, Meshoppen, PA 18630), construction blasting for Kuback Wind Farm in Eaton Township, **Wyoming County** with an expiration date of December 30, 2011. Permit issued: August 22, 2011.

**15114108. American Infrastructure, Inc.,** (P. O. Box 98, Worcester, PA 19490), construction blasting for SR 29 AB ramp in East Whiteland Township, **Chester County** with an expiration date of August 10, 2012. Permit issued: August 23, 2011.

**66114116. Meshoppen Blasting, Inc.,** (P. O. Box 127, Meshoppen, PA 18630), construction blasting for Seaman's Airport in Nicholson Township, **Wyoming County** with an expiration date of September 30, 2011. Permit issued: August 23, 2011.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Envi-

ronmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

### Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

*Northcentral Region: Oil and Gas Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701*

**E4129-003 Anadarko E&P Company, LP,** P. O. Box 1330, Houston, Texas 77251-1330, McHenry Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain a surface water withdrawal along Pine Creek (HQ-CWF) adjacent to Route 414 south of Jersey Mills (Jersey Mills Quadrangle 41° 21' 3.26"N 77° 24' 10.3"W). The proposed withdrawal will include two adjacent submersible pumps with related materials set below the stream bed parallel to the direction of stream flow. The project will result in 264 square feet of stream impacts all for the purpose of obtaining water to use to develop multiple Marcellus Shale wells.



**E4129-011: Anadarko Marcellus Midstream, LLC**, PO Box 1330, Houston, TX 77251, Loyalsock, Eldred, Gamble, & Cascade Townships, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

(1) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line impacting 31088 square feet of a palustrine emergent (PEM) wetland adjacent; (Montoursville North Quadrangle 41°17'7"N 76°58'13"W).

(2) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line across an unnamed tributary to Millers Run (WWF-MF) impacting 2 linear feet; (Montoursville North Quadrangle 41°17'47"N 76°58'11"W).

(3) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line across an unnamed tributary to Mill Creek (TSF-MF) impacting 8 linear feet and 2159 square feet of adjacent palustrine emergent (PEM) wetland; (Montoursville North Quadrangle 41°17'59"N 76°57'43"W).

(4) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line across an unnamed tributary to Lick Creek (TSF-MF) impacting 3 linear feet and 7066 square feet of adjacent palustrine emergent (PEM) wetland; (Montoursville North Quadrangle 41°18'49"N 76°58'17"W).

(5) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line across an unnamed tributary to Lick Run (TSF-MF) impacting 11 linear feet and 14661 square feet of adjacent palustrine emergent (PEM) wetland; (Montoursville North Quadrangle 41°18'55"N 76°58'19"W).

(6) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line impacting 14084 square feet of a palustrine emergent (PEM) wetland; (Montoursville North Quadrangle 41°19'5"N 76°58'21"W).

(7) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line across Lick Run (TSF-MF) impacting 4 linear feet and 409 square feet of adjacent palustrine forested (PFO) wetlands; (Montoursville North Quadrangle 41°19'7"N 76°58'21"W).

(8) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line across an unnamed tributary to Mill Creek (TSF-MF) impacting 3 linear feet; (Montoursville North Quadrangle 41°19'43"N 76°58'12"W).

(9) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line across Mill Creek (TSF-MF) impacting 24 linear feet adjacent to Pleasant Valley Road; (Montoursville North Quadrangle 41°20'14"N 76°57'54"W).

(10) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line impacting 439 square feet of a palustrine scrub shrub (PSS) wetland adjacent to Mill Creek; (Montoursville North Quadrangle 41°20'17"N 76°57'54"W).

(11) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line across Calebs Run (EV, MF) impacting 6 linear feet; (Montoursville North Quadrangle 41°22'14"N 76°57'16"W).

(12) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line across an unnamed tributary to Murray Run (EV, MF) impacting 2 linear feet; (Bodines Quadrangle 41°23'13"N 76°56'20"W).

(13) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line across unnamed tributaries to Murray Run (EV, MF) impacting 17 linear feet; (Bodines Quadrangle 41°23'20"N 76°56'21"W).

(14) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line across Murray Run (EV, MF) impacting 26 linear feet; (Bodines Quadrangle 41°23'29"N 76°56'13"W).

(15) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line across an unnamed tributary to Wallis Run (EV, MF) impacting 2 linear feet adjacent to Wallis Run Road; (Bodines Quadrangle 41°23'40"N 76°55'49"W).

(16) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line across an unnamed tributary to Wallis Run (EV, MF) impacting 3 linear feet adjacent to Wallis Run Road; (Bodines Quadrangle 41°24'13"N 76°55'36"W).

(17) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line across an unnamed tributary to Wallis Run (EV, MF) impacting 3 linear feet and 5836 square feet of adjacent palustrine forested (PFO) wetland adjacent to Wallis Run Road; (Bodines Quadrangle 41°24'13"N 76°55'35"W).

(18) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line across Roaring Run (EV, MF) impacting 9 linear feet; (Bodines Quadrangle 41°24'17"N 76°55'23"W).

(19) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line impacting 13979 square feet of a palustrine emergent (PEM) wetland; (Bodines Quadrangle 41°24'49"N 76°55'14"W).

(20) two 6 inch and one 16 inch gas pipelines, one 16 inch waterline, and electrical line across an unnamed tributary to Roaring Run (EV, MF) impacting 2 linear feet; (Bodines Quadrangle 41°24'54"N 76°55'30"W).

(21) two 6 inch and one 16 inch gas pipelines, one 16 inch waterline, and electrical line across an unnamed tributary to Roaring Run (EV, MF) impacting 12 linear feet and 1397 square feet of adjacent palustrine forested (PFO) wetland; (Bodines Quadrangle 41°25'0"N 76°55'33"W).

The project will result in 137 linear feet of temporary stream impacts and 91118 square feet of wetland impacts from utility line crossings. These crossings will accumulate a total of 0.31 acres of watercourse impacts and 2.09 acres of wetland impacts all for the purpose of installing a natural gas gathering line with associated access roadways for Marcellus well development.

**E5929-005: SWEPI LP**, 190 Thorn Hill Road, Warrendale, PA 15086, Charleston Township, **Tioga County**, ACOE Baltimore District.

To construct, operate and maintain a 20 foot wide access road with nine 12 inch diameter culvert pipes impacting 12,600 square feet of a 10 acre palustrine emergent wetland (PEM). (Keeneyville, PA Quadrangle 41°47'52"N 77°15'46"W);

The project will result in 0.29 acres of permanent PEM wetland impacts all for the purpose of obtaining natural gas from the Marcellus shale.

**E5929-016 Keystone Clearwater Solutions, LLC**, 1129 West Governor Road, P.O. Box 797, Hershey, PA 17033 Morris Township, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain a surface water withdrawal along Babb Creek (EV) adjacent to Route 287 south of Morris (Morris Quadrangle 41°35'31"N 77°17'51"W). The proposed withdrawal will include a portable pump with overland piping to nearby tanks.

The project will result in 12 square feet of stream impacts all for the purpose of obtaining water for the use to develop multiple Marcellus Shale wells.

*Southeast Region: Watershed Management Program Manager, 2 East Main Street, Norristown, PA 19401*

**E46-1062. Upper Moreland Township**, 117 Park Avenue, Willow Grove, PA 19090, Upper Moreland Township, **Montgomery County**, ACOE Philadelphia District.

To stabilize and maintain approximately 1,445 feet of War Memorial Creek (tributary to Pennypack Creek) in Veteran's Memorial Park by utilizing various bio-engineering techniques.

The site is located at the intersection of Easton Road (S.R. 0611) and York Roads (SR 0263) (Hatboro, PA USGS Quadrangle N: 3.8 inches; W: 16.0 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act [33 U.S.C.A. 1341 (a)].

**E15-812. Valley Forge Sewer Authority**, 333 Pawling Road, Phoenixville, PA 19460, Schuylkill Township, **Chester County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities in the floodplain of the Schuylkill River (WWF) associated with Valley Forge Sewer Authority WWTP expansion project:

1. To construct and maintain approximately 360-linear feet of 15-inch diameter pipe and associated outfall structure, discharging to the river.
2. To construct and maintain approximately 235-square feet Aeration Basin in the floodplain.

The site is located approximately 1,250 feet northeast of the Pawlings Road Bridge over the Schuylkill River, and approximately 350 feet east of the railway track in Schuylkill Township, Chester County (Valley Forge, PA, USGS Quadrangle N: 21.52 inches; W: 13.16 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act [33 U.S.C.A. 1341 (a)].

**E15-811. Brandywine Realty Trust**, 555 E. Lancaster Avenue, Suite 100., Berwyn, PA 19087, Tredyffrin Township, **Chester County**, ACOE Philadelphia District.

To stabilize and restore an existing eroded stream channel of an unnamed tributary of Little Valley Creek, which is located between 100 - 200 Berwyn Plaza; utilizing streambank restoration, regrading of the existing stream channel, rocks cross vanes and retaining walls.

The site is located on the south side of S.R. 252 along Cassatt Road (Valley Forge, PA USGS, N: 11.11 inches; W: 11.7 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act [33 U.S.C.A. 1341 (a)].

**E15-814. Norbertine Fathers, Inc.**, 220 S. Valley Road, Paoli, PA 19301, Willistown Township, **Chester County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities associated with a one-mile long walking trail through the Daylesford Abbey property:

1. To construct and maintain approximately 390-foot long boardwalk across Crum Creek and adjoining forested wetland impacting diminimus amount of wetlands.
2. To construct and maintain approximately 230-foot long boardwalk across the floodplain of an unnamed tributary to Crum Creek

The site is located near the intersection of Route 30 and South Valley Road, (Valley Forge, PA, USGS; N: 9.6 inches; W: 5.8 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act [33 U.S.C.A. 1341 (a)].

**E15-815. Kennett Square Golf & Country Club**, 100 E. Locust Lane, Kennett Square, PA 19348, East Marlborough Township, **Chester County**, ACOE Philadelphia District.

To stabilize and maintain approximately 2,150 linear feet of streambank along the East Branch of Red Clay Creek within Kennett Square Golf and Country Club, by utilizing natural stream design techniques. This work includes replacement of the existing pedestrian /golf cart bridge.

The site is located approximately 0.3 miles west of the intersection of East Locust Lane and Unionville Road (S.R. 0082) (Kennett Square, PA USGS Quadrangle, N: 20.9 inches; W: 11.6 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act [33 U.S.C.A. 1341 (a)].

*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335.*

**E10-465, Steven Lawson**, 308 Welsh Road Evans City, PA 16033, Lawson Landscaping Property in Forward Township, **Butler County**, ACOE Pittsburgh District (Evans City, PA Quadrangle N: 40°, 47', 43.8"; W: 80°, 1', 10").

to maintain: 1) A previously placed 24 feet long by 3 feet diameter culvert crossing of an unnamed tributary to Connoquenessing Creek; 2) Previously placed floodway fill along the right bank of the unnamed tributary to Connoquenessing Creek for a length of approximately 215 feet; 3) Previously constructed material bins and an access drive within the floodway of the unnamed tributary to Connoquenessing Creek.

To construct and maintain: 1) Stream bank stabilization along a previously altered, approximately 400 feet long reach of the unnamed tributary to Connoquenessing Creek; 2) Parking facilities and a storm water detention basin within the floodway of the unnamed tributary to Connoquenessing Creek; 3) A stormwater outfall to the unnamed tributary to Connoquenessing Creek.

**E37-186, North Beaver Township**, 861 Mt. Jackson Road New Castle, PA 16102, Wampum Rd T-395 Bridge 2 Replacement in North Beaver Township, **Lawrence County**, ACOE Pittsburgh District (Bessemer, PA Quadrangle N: 40°, 57', 27"; W: 80°, 22', 49";).

To remove an existing single span concrete arch structure and to construct and maintain a 25.38 ft out to out prestressed concrete box beam bridge having 2 clear spans of 54.25 ft supported by a center pier and abutments with an underclearance of 13.54 ft a skew of 75°

across Hickory Run along T-395 Wampum Road in North Beaver Township, Lawrence County approximately 1/2 mile South of its intersection with S.R. 18.

#### ENVIRONMENTAL ASSESSMENTS

*Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105*

**D06-515EA. Borough of Shillington**, 2 East Lancaster Avenue, Shillington, PA 19607-0247 Shillington Borough, **Berks County**, ACOE Philadelphia District.

Project proposes to breach and remove Shillington Memorial Park Upper Dam across a tributary to Angelica Creek (WWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 300 feet of stream channel. The dam is located approximately 3750 feet southwest of the intersection of Philadelphia

Avenue (SR724) and New Holland Road (SR625) (Reading, PA Quadrangle; Latitude: 40° 17' 41", Longitude: -75° 57' 32")

Michael Allen, Fisheries Manager, Rolling Rock Club Fishing Lodge, 439 Hatchery Lane, Laughlintown, PA 15655-0439. Ligonier Township, **Westmoreland County**, ACOE Pittsburgh District.

Project proposes to breach and remove seventeen low head dams in an approximately two mile section of Rolling Rock Creek (HQ-CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will also involve the modification of three previously permitted fish enhancement structures. The project will restore approximately 1700 linear feet of stream channel. The dams are located approximately 4 miles south of the intersection of US30 and SR381 (Rector Road).

<i>Dam Number</i>	<i>Latitude</i>	<i>Longitude</i>
D65-228	40° 10' 33"	-79° 11' 53"
D65-235	40° 10' 56"	-79° 12' 15"
D65-248	40° 12' 84"	-79° 12' 48"
D65-249	40° 12' 48"	-79° 12' 49"
D65-250	40° 12' 18"	-79° 12' 50"
D65-251	40° 12' 02"	-79° 12' 52"
D65-252	40° 12' 03"	-79° 12' 54"
D65-253	40° 12' 04"	-79° 12' 54"
D65-254	40° 12' 04"	-79° 12' 55"
D65-257	40° 11' 55"	-79° 12' 39"
D65-258	40° 11' 57"	-79° 12' 57"
D65-260	40° 12' 00"	-79° 12' 43"
D65-264	40° 11' 50"	-79° 12' 36"
D65-282	40° 10' 42"	-79° 12' 13"
D65-283	40° 10' 38"	-79° 12' 02"
D65-284	40° 10' 34"	-79° 11' 58"
D65-285	40° 10' 18"	-79° 11' 17"

#### WATER QUALITY CERTIFICATIONS

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act, section 302 of the Flood Plain Management Act and The Clean Streams Law and Notice of Final Action for Certification under Section 401 of the FWPCA. (Note: Water Obstruction and Encroachment Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description).**

*Southeast Region: Watershed Management Program Manager, 2 East Main Street, Norristown, PA 19428*

**Final Actions under section 401 of the Federal Water Pollution Control Act**

**Permits Issued and Actions on 401 Certifications:**

**Final Actions Pursuant To Section 401 of the Federal Water Pollution Control Act**

Certification Request Initiated By: Department of the Army, Philadelphia District Corps of Engineers, Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107-3390.

This project involves the discharge of supernatant from the Money Island confined disposal facility to the Delaware River. Maintenance and deepening dredging is proposed at the Fairless Turning Basin located at the Port of Bucks County in Falls Township. The basin will be dredged to a depth of 40 feet MLLW (mean lower low water).

Approximately 175,000 cubic yards of sediment will be removed and placed in the Money Island dredge disposal area located in Falls Township, Bucks County. Sediments will settle out in the basin and the supernatant will be returned to the Delaware Estuary. The following effluent limits in mg/l based on a flow of 1.0 MGD apply:



<i>Parameter</i>	<i>Average Monthly Limit (mg/l)</i>	<i>Maximum Daily Limit (mg/l)</i>	<i>Instantaneous Maximum Limit (mg/l)</i>	<i>Monitoring Frequency</i>
Flow Cell B (MGD)	Monitor/Report	Monitor/Report	Monitor/Report	
Total Suspended Solids	3,000			4,500
pH		6-9 units at all times		
Aluminum, Total	13.0	19.5		
Antimony, Total	0.24	0.36		
Cadmium, Total	0.037	0.056		
Copper, Total	0.153	0.230		
Chromium, Hexavalent	0.17	0.26		
Iron, Total	25.5	38.3		
Lead, Total	0.042	0.063		
Mercury, Total	0.00085	0.0013		
Zinc, Total	2.04	3.06		
PCBs, Total	Not Detectable Using EPA Method 608 (GC/ECD)			
PCBs -209 Congeners	Monitor/Report Using EPA Method 1668A			

*Final Action on Request:* Certification granted.

## SPECIAL NOTICES

### Facility Qualification Requests

The 5-County Region including **Columbia, Lycoming, Montour, Snyder and Union Counties** in Northcentral Pennsylvania, is developing a Regional Waste Management Plan in accordance with the provisions of Pennsylvania Act 101 of 1988 (Municipal Waste Planning, Recycling and Waste Reduction Act). As required in the Act, the Region has prepared a Solicitation of Interest (SOI) for the purpose of obtaining ten (10) year commitments (January 2013 through December 2022) for disposal capacity for the municipal waste generated within the 5-County Region during that period, and to discuss the Respondent's interest in helping support the integrated waste management and recycling needs of the Region. The waste facilities to be considered in the Regional Plan must be permitted and fully available for use prior to January 1, 2013. For further information or to obtain a copy of the SOI, all inquiries and requests from interested facility owners should be made, in writing, no later than 30 days from the date this notice is published, to: Dave Minnear, LR Kimball (consultant in charge of developing the Regional Plan), 615 West Highland Avenue, Ebensburg, PA 16630.

### Notice of Planning Grant Awards Under Section 901 of the Municipal Waste Planning Recycling and Waste Reduction Act of 1988, Act 101

The Department of Environmental Protection (DEP) hereby announces the following grants to counties pursuant to the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101, P. L. 556, Section 901 and Section 208 of the Waste Tire Recycling Act/Small Business and Household Pollution Prevention Act (Act 190 of 1996).

Planning grants are awarded to counties for 80% of approved costs for preparing municipal waste management plans as required by Act 101, for carrying out related studies, surveys, investigations, inquiries, research and analysis, including those related to siting, environmental mediation, education programs on pollution prevention and household hazardous waste and providing technical assistance to small businesses for pollution prevention. Grants may be awarded for feasibility studies and project development for municipal waste processing or disposal facilities, except for facilities for the combustion of municipal waste that are not proposed to be operated for the recovery of energy. All grant awards are predicated on the receipt of recycling fees required by Sections 701 and 702 of Act 101, and the availability of monies in the Recycling Fund.

Inquiries regarding the grant offerings should be directed to Mr. Mark Vottero, Department of Environmental Protection, Bureau of Waste Management, Division of Waste Minimization and Planning, PO Box 8472, Harrisburg, PA 17105-8472.

### Act 101, Section 901 Planning Grant

<i>Region</i>	<i>County</i>	<i>Applicant</i>	<i>Project Description</i>	<i>Grant Award</i>
Northwest	Venango	Venango	Revise and update the County's municipal waste management plan to ensure waste disposal for the next ten years.	\$57,556

[Pa.B. Doc. No. 11-1557. Filed for public inspection September 9, 2011, 9:00 a.m.]



### Coal Bed Methane Review Board; Notice of Appointments

In accordance with the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66), the Department of Environmental Protection announces that the following individuals have been appointed as members of the Coal Bed Methane Review Board with terms extending for 3 years from their date of appointment:

<i>Member</i>	<i>Date of Appointment</i>
Edward D. Kuckuck	June 1, 2010
Dr. R. Larry Grayson	June 2, 2010
Craig Neal	February 10, 2011

Questions regarding this action should be directed to Darek Jagiela at (717) 787-4817 or [djagiela@pa.gov](mailto:djagiela@pa.gov).

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 11-1558. Filed for public inspection September 9, 2011, 9:00 a.m.]

### Control Measures under Consideration by the Ozone Transport Commission; Public Comment Period

The Department of Environmental Protection (Department) is seeking comments on control measures under consideration by the Ozone Transport Commission (Commission) for the attainment and maintenance of the ozone National Ambient Air Quality Standards (NAAQS). This public comment period is consistent with the requirements of section 7.4 of the Air Pollution Control Act (35 P. S. § 4007.4), which requires an opportunity for public review and comment of recommendations for additional control measures prior to final action by the Commission.

The Commission, a multistate organization created under sections 176A and 184 of the Federal Clean Air Act (42 U.S.C.A. §§ 7506A and 7511c), is authorized to develop recommendations for additional control measures to mitigate the transport of ozone and its precursors in the Ozone Transport Region (OTR) established by operation of law. In addition to the Commonwealth, OTR is comprised of the states of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, northern Virginia and the District of Columbia.

In September 2011, the United States Environmental Protection Agency (EPA) is expected to revise the primary and secondary ozone NAAQS to be more protective of public health and the environment. The EPA published a notice proposing a revised primary ozone NAAQS ranging from 0.060 to 0.070 parts per million (ppm) to protect public health and a new cumulative, seasonal secondary standard ranging from 7-15 ppm-hours to protect sensitive vegetation and ecosystems at 75 FR2938 (January 19, 2010). Based on current ozone data, all monitored areas of this Commonwealth would be designated as “nonattainment” for a revised ozone standard if the EPA adopts the primary ozone NAAQS within the 0.060 to 0.065 ppm ranges.

When the EPA establishes a NAAQS, states must submit State Implementation Plan revisions to demonstrate attainment and maintenance of the NAAQS in a timely fashion, and to demonstrate progress in making

reductions in nitrogen oxides (NOx) and volatile organic compounds (VOCs), which are ozone precursors. The Department will collaborate with the Commission member states and other regional organizations to develop cost effective strategies for attaining and maintaining the ozone NAAQS and to develop the necessary air quality attainment demonstrations.

The Commission has issued a charge to the mobile, stationary and area source and modeling committees to identify the measures and develop model rules, if necessary, for consideration by the Commission in November 2011. The Commission is also holding public stakeholder meetings on potential control measures in Baltimore on September 8, 2011. Department staff will review stakeholder comments submitted to the Commission on the proposed measures and will also consider those comments prior to final Commission action on the proposed control measures and model rules.

The Commission may consider final action during its annual meeting on November 10, 2011, which would commit signatory states to pursue the adoption and implementation of the following control strategies and provide a model rule to assist states:

- Control of VOC emissions from industrial degreasing operations
- Limits on idling of nonroad diesel vehicles and equipment
- Control of NOx emissions from natural gas pipeline compressor fuel-fired prime movers (spark-ignited reciprocating internal combustion engines or combustion turbines)

The Commission may also consider revisions of previously adopted model rules for consumer products and for motor vehicle and motor equipment nonassembly line coating operations.

Materials describing the potential control measures can be found on the Department’s web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us), choose “Air Quality.” Additional materials can be found at the Commission web site at [www.otcair.org](http://www.otcair.org), choose “Meetings.”

Comments should be sent by October 10, 2011, to Arleen Shulman, Chief, Division of Air Resource Management, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468 or [ashulman@state.pa.us](mailto:ashulman@state.pa.us). The Department will consider and retain all comments, but will not prepare a comment and response document.

Adoption by the Commission of any of the NOx and VOC measures is considered a commitment by signatory states to pursue legislative or regulatory action to adopt and implement these measures. Any control measure proposed for promulgation in this Commonwealth would be subject to the Commonwealth’s notice and comment rulemaking process under the act of July 31, 1968 (P. L. 769, no. 240), known as the Commonwealth Documents Law, Regulatory Review Act (71 P. S. §§ 745.1—745.12) and Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 11-1559. Filed for public inspection September 9, 2011, 9:00 a.m.]

## Ohio Regional Water Resources Committee Meeting

The Ohio Regional Water Resources Committee, associated with the Department of Environmental Protection (Department), will meet on October 26, 2011, from 10 a.m. to 12:30 p.m. at the Dogwood Forum at the Seven Springs Resort, Seven Springs, PA 15622.

The regional water resources committees were created under 27 Pa.C.S. Chapter 31 (relating to water resources planning) to help guide the development of the State Water Plan and the designation of Critical Water Planning Areas for this Commonwealth.

Questions concerning the schedule or agenda items can be directed to Jay Braund (717) 783-2402 or jbraund@pa.gov. This schedule, an agenda for the meeting and meeting materials will be available through the Public Participation Center on the Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us).

Persons with a disability who require accommodations to attend the meeting listed previously should contact the Department at (717) 783-2402 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 11-1560. Filed for public inspection September 9, 2011, 9:00 a.m.]

## Pennsylvania Advantage Grant Program Applications

The Department of Environmental Protection (Department) announces the availability of grant funding in the seventh year of the Commonwealth's Advantage Grant Program (Program) for small business pollution prevention and energy efficiency projects. Small Business Advantage is a grant program providing up to 50% reimbursement grants, to a maximum of \$7,500, to enable a small business in this Commonwealth to adopt or acquire energy efficient or pollution prevention equipment or processes. Well designed energy efficient or pollution prevention projects can help small businesses cut costs and reduce the risk of potential regulatory problems, while simultaneously protecting the environment.

An eligible applicant must be a for-profit small business owner whose business or facility is located within this Commonwealth. All Commonwealth small businesses are eligible, including but not limited to manufacturers, retailers, service providers, mining businesses and agricultural concerns. The project to which the grant will apply must be located within the applicant's Commonwealth facility and save the business at least 25% annually in energy or pollution related expenses plus \$1,000.

For a copy of the application to review the Program's eligibility requirements, contact Rhonda Brown at the Office of External Affairs at (717) 772-8909. To ask a specific question concerning a project type, write to [epadvantagegrant@state.pa.us](mailto:epadvantagegrant@state.pa.us) before submitting an application. The Department will continue accepting applications until September 28, 2011, or until funds are exhausted.

Applications are most quickly obtained from the Department's web site at [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Key-

word: SBAdvantage). Applications are also available by contacting the Department of Environmental Protection, Office of External Affairs, 15th Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8772, Harrisburg, PA 17105-8772, (717) 772-8909. The application package contains the materials and instructions necessary for applying for a grant.

Applications must be postmarked or hand delivered by 4 p.m. on September 28, 2011. Faxes or other electronic submissions will not be accepted.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 11-1561. Filed for public inspection September 9, 2011, 9:00 a.m.]

## Pennsylvania Energy Development Authority Board Meeting

A meeting of the Pennsylvania Energy Development Authority (Authority) Board is scheduled to be held on Friday, September 23, 2011, at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.

Questions concerning this schedule or agenda items can be directed to Thomas Bell at (717) 772-5942 or [tbell@pa.gov](mailto:tbell@pa.gov). This schedule, an agenda for the meeting and notices of meeting changes will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us).

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Thomas Bell or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 11-1562. Filed for public inspection September 9, 2011, 9:00 a.m.]

## Phase 2 Chesapeake Bay Watershed Implementation Plan Meeting

The Department of Environmental Protection (Department) provides notice of the upcoming meeting of the Chesapeake Bay Watershed Implementation Plan (WIP) Management Team. This meeting will be related to the development of the Commonwealth's Phase 2 WIP.

The United States Environmental Protection Agency (EPA) announced on August 1, 2011, revised nutrient and sediment allocations for the Chesapeake Bay Total Maximum Daily Load (TMDL). The revised planning targets are the result of the EPA's development of a revised Watershed Model. Using the revised planning targets, the EPA expects the states to develop a Phase 2 Chesapeake Bay WIP (Phase 2 WIP) which will further subdivide the loads by local area (county). These will not be regulatory allocations to the county. Rather, they are to inform local implementers (for example, municipal elected officials and planning agency personnel, county conservation districts and planning commissions) of the nutrient and sediment

loads generated by their geographical area so they can help implement or plan appropriate actions to reduce the target loads. Local implementation efforts should focus on compliance with existing rules and regulations, as well as seeking opportunities for additional management actions. The reduction targets are for planning purposes only and do not become regulatory allocations at the county level.

The EPA has established a December 15, 2011, deadline for submission of the Draft Phase 2 WIP, and a March 30, 2012, deadline for the final plan. The EPA expects the Phase 2 WIP to contain greater detail about the first stage of implementation, which will last from when the EPA established the Chesapeake Bay TMDL in December 2010 until 2017.

This meeting is scheduled to be held on September 29, 2011, starting at 1 p.m. in the Susquehanna Room, Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110.

For further information, contact Karen Price, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 772-4785, [kprice@state.pa.us](mailto:kprice@state.pa.us) or visit the Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: "Chesapeake Bay").

MICHAEL L. KRANCER,  
Secretary

[Pa.B. Doc. No. 11-1563. Filed for public inspection September 9, 2011, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Decisions on Requests for Exception to Health Care Facility Regulations

Under 28 Pa. Code § 51.33 (relating to requests for exception), effective June 6, 1998, the Department of Health (Department) has published in the *Pennsylvania Bulletin* all requests by entities licensed under the Health Care Facilities Act (35 P. S. §§ 448.101—448.904b) for exceptions to regulations contained in 28 Pa. Code Part IV, Subparts B—G.

Section 51.33(d) of 28 Pa. Code provides that the Department will publish notice of all approved exceptions on a periodic basis. The Department has determined that it will publish notice of all exceptions, both approved and denied. The following list contains the decisions made on exception requests published in the *Pennsylvania Bulletin* from April 2011, through June 2011. Future publications of decisions on exception requests will appear on a quarterly basis.

All requests for additional information on the exception request and the Department's decision should be made to the relevant division of the Department. Inquiries regarding hospitals and ambulatory surgical facilities shall be addressed to Joanne Salsgiver, Director, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120. Inquiries regarding long-term care facilities shall be addressed to Susan Williamson, Director, Division of Nursing Care Facilities, Room 528, Health and Welfare Building, Harrisburg, PA 17120.

#### Hospitals

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Pottstown Memorial Medical Center	28 Pa. Code § 27.31(b)	MRI examinations (request for reconsideration)		granted with provisions
Drs. Bruce Berger, M.D. and Charles Benjamin, D.O.	28 Pa. Code § 29.33(6)	requirements for abortion	04/23/11	granted
Allegheny Women's Center	28 Pa. Code § 29.33(6)	requirements for abortion	04/23/11	granted
Planned Parenthood of Western PA, Inc.	28 Pa. Code § 29.33(6)	requirements for abortion	04/23/11	granted
Allentown Women's Center	28 Pa. Code § 29.33(6)	requirements for abortion	05/14/11	granted
Philadelphia Women's Center	28 Pa. Code § 29.33(6)	requirements for abortion	05/14/11	granted
Allentown Medical Services	28 Pa. Code § 29.33(6)	requirements for abortion	05/28/11	granted
Planned Parenthood of Central PA, Inc.	28 Pa. Code § 29.33(6)	requirements for abortion	05/28/11	granted
American Women's Services	28 Pa. Code § 29.33(6)	requirements for abortion	05/28/11	granted
Easton Hospital	28 Pa. Code § 51.23	PET scanning services	05/28/11	granted
UPMC Presbyterian Shadyside	28 Pa. Code § 101.12	exceptions for innovative programs	03/12/11	granted
Meadville Medical Center	28 Pa. Code § 101.31(7)	permanent on-site facilities	06/11/11	granted with conditions
Physicians Care Surgical Hospital	28 Pa. Code § 101.172	patient limits pre-op/ PACU rooms (request for reconsideration)		granted
CH Hospital of Allentown, LLC	28 Pa. Code § 103.36(b)(4)	personnel records	04/02/11	not necessary

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Coordinated Health Orthopedic Hospital, LLC	28 Pa. Code § 103.36(b)(4)	personnel records	04/02/11	not necessary
Coordinated Health Orthopedic Hospital, LLC	28 Pa. Code § 103.39	personnel health requirements	04/02/11	not necessary
CH Hospital of Allentown, LLC	28 Pa. Code § 103.39	personnel health requirements	04/02/11	not necessary
Lancaster Rehab Hospital	28 Pa. Code § 107.2	medical staff membership	04/09/11	granted
Grand View Hospital	28 Pa. Code § 107.2	medical staff membership	04/30/11	granted
DuBois Regional Medical Center	28 Pa. Code § 107.26	additional committees	04/02/11	granted
Fulton Co Medical Center	28 Pa. Code § 107.26(b)(2)	monthly tissue committee	06/25/11	granted
St. Luke's Riverside Hospital	28 Pa. Code § 107.62(b)	oral orders	05/28/11	granted
Rothman Specialty Hospital	28 Pa. Code § 111.2	dietary service	06/25/11	denied
Lancaster General Health	28 Pa. Code § 115.25	infant footprints	05/28/11	granted
Waynesboro Hospital	28 Pa. Code § 123.25(2)	regulations for control of anesthetic explosion hazards	04/09/11	granted
Mercy Philadelphia Hospital	28 Pa. Code § 123.25(2)	regulations for control of anesthetic explosion hazards	05/28/11	granted
St. Luke's Riverside Hospital	28 Pa. Code § 123.25(2)	regulations for control of anesthetic explosion hazards	05/28/11	granted
St. Luke's Riverside Hospital	28 Pa. Code § 127.32	written orders	05/28/11	granted
Hanover Hospital	28 Pa. Code § 127.32	diagnostic radiology services	06/11/11	granted
Meyersdale Medical Center	28 Pa. Code § 127.32	diagnostic radiology services	06/11/11	granted
Ohio Valley General Hospital	28 Pa. Code § 138.2	cardiac catheterization services—principle	04/02/11	granted
Reading Hospital and Medical Center	28 Pa. Code § 153.1	2.1-7.2.2.3 patient room doors 2.1-2.2.6 and 2.2-2.2.2.6 patient toilet room	01/29/11	denied
Geisinger Medical Center	28 Pa. Code § 153.1	3.7-6.2.4 consultation room	03/12/11	withdrawn
Lehigh Valley Hospital	28 Pa. Code § 153.1	2.2-2.6.6.14 special procedures room	03/12/11	granted
Magee-Womens Hospital of UPMC	28 Pa. Code § 153.1	2.2-3.10.6.10 and 2.1-2.6.10.2(2) soiled workroom; 3.1-3.2.2.2(2) exam table clearance	04/09/11	granted
Miner's Medical Center	28 Pa. Code § 153.1	3.1-7.2.2.1(1) public corridor	04/09/11	granted
York Hospital	28 Pa. Code § 153.1	7.1, Table 7-1 ventilation	04/09/11	granted
Shriners Hospital for Children—Philadelphia	28 Pa. Code § 153.1	5.4.1.2(1)(b) space requested	04/23/11	denied
DuBois Regional Medical Center	28 Pa. Code § 153.1	3.1-7.2.2.1 corridor width	04/30/11	granted
DuBois Regional Medical Center	28 Pa. Code § 153.1	3.1-7.2.2.3(1)(a) and (b) door openings	04/30/11	granted
Good Shepherd Rehab Hospital	28 Pa. Code § 153.1	2.6-2.2.2.1 maximum beds per room	04/30/11	granted
Grant Surgicenter, LLC	28 Pa. Code § 153.1	2.6.2(2) staff clothing change area	04/30/11	granted
Grant Surgicenter, LLC	28 Pa. Code § 153.1	2.4.1.2(2) minimum requirements for recovery areas	04/30/11	denied
Lansdale Hospital	28 Pa. Code § 153.1	2.2-3.4.5.3 ultrasound room patient toilet	04/30/11	denied
Robert Packer Hospital	28 Pa. Code § 153.1	2.2-2.16.2.2(a); 2.16.2.3 room size	04/30/11	granted
Robert Packer Hospital	28 Pa. Code § 153.1	2.2-2.16.2.6 square footage patient bathroom	04/30/11	granted
Center For Cosmetic Surgery,	28 Pa. Code § 153.1	3.7-3.4.1 preoperative patient	05/14/11	denied



<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
PC, The Skin Center		holding areas		
Center For Cosmetic Surgery, PC, d/b/a The Skin Center	28 Pa. Code § 153.1	3.7-3.4.2.2 post anesthesia recovery positions	05/14/11	denied
Center For Cosmetic Surgery, PC, d/b/a The Skin Center	28 Pa. Code § 153.1	3.7-3.8.1 outpatient surgery change areas	05/14/11	denied
York Hospital	28 Pa. Code § 153.1	2.2-2.2.2.7 patient bathing facilities	05/28/11	granted
Hospital of the University of Pennsylvania Penn Medicine Radnor	28 Pa. Code § 153.1	3.1-3.6.9 clean storage 3.1-3.6.10 soiled holding	05/28/11	granted
Hospital of the University of Pennsylvania Penn Medicine Radnor	28 Pa. Code § 153.1	3.1-3.2.2.2(2) and 3.1-3.2.4.2(2) space requirements	05/28/11	granted
Altoona Regional Health System	28 Pa. Code § 153.1	2.2-5.7.1 morgue location	05/28/11	granted
Altoona Hospital Campus				
Comprehensive Pain Centers	28 Pa. Code § 153.1	Table 3.1-1 station outlets for oxygen, vacuum, mechanical air	05/28/11	granted
The Western Pennsylvania Hospital	28 Pa. Code § 153.1	2.2-3.10.2.8(1) visual control	05/28/11	granted
Jefferson Regional Medical Center	28 Pa. Code § 153.1	2.2-3.4.5.3(1) ultrasound room patient toilet	05/28/11	granted
Jefferson Regional Medical Center Brentwood Imaging Center	28 Pa. Code § 153.1	3.1-7.2.2.1(1) public corridor width	05/28/11	granted
Jefferson Regional Medical Center Brentwood Imaging Center	28 Pa. Code § 153.1	2.2-3.4.3.5 exam room hand-washing station	05/28/11	granted
Jefferson Regional Medical Center Brentwood Imaging Center	28 Pa. Code § 153.1	2.2-3.4.5.3(1) ultrasound room patient toilet	05/28/11	granted
Jefferson Regional Medical Center Jefferson MRI	28 Pa. Code § 153.1	3.1-7.2.2.1(1) public corridor width	05/28/11	granted
Jefferson Regional Medical Center Jefferson MRI	28 Pa. Code § 153.1	2.2-3.4.4.2 design configuration of MRI suite	05/28/11	granted
Jefferson Regional Medical Center Charleroi Imaging Center	28 Pa. Code § 153.1	3.1-7.2.2.1(1) corridor width	05/28/11	granted
Jefferson Regional Medical Center Charleroi Imaging Center	28 Pa. Code § 153.1	2.2-3.4.8.3 patient dressing room	05/28/11	granted
Jefferson Regional Medical Center Charleroi Imaging Center	28 Pa. Code § 153.1	2.2-3.4.3.5, 2.2-3.4.4.4 hand-washing station	05/28/11	granted
Jefferson Regional Medical Center Charleroi Imaging Center	28 Pa. Code § 153.1	2.2-3.4.4.2 MRI suite	05/28/11	granted
Jefferson Regional Medical Center Charleroi Imaging Center	28 Pa. Code § 153.1	2.2-3.4.2.3 patient toilet; 2.2-3.4.3.4 x-ray room shielded control alcove; 3.1-3.2.2.2(2) space requested; 2.2-3.4.5.1 ultrasound room space requirements; 2.2-3.4.5.3 ultrasound room patient toilet	05/28/11	granted

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
York Hospital	28 Pa. Code § 153.1	2.2-2.2.2.7 patient bathing facilities	06/11/11	granted
Western PA Hospital Forbes Campus	28 Pa. Code § 153.1	3.1-7.2.2.1 public corridors, anticoagulation clinic	06/25/11	granted
<b>Ambulatory Surgical Facilities</b>				
Mahoning Valley Ambulatory Surgery Center	28 Pa. Code § 551.3	definitions	04/09/11	granted
Digestive Disease Institute	28 Pa. Code § 551.3	definitions	05/14/11	granted
Grant Surgicenter	28 Pa. Code §§ 551.3(ii) and 555.31(a)	definitions and principle	04/09/11	granted
Center for Advanced Surgery	28 Pa. Code § 551.21(d)	criteria for ambulatory surgery	08/21/10	granted
Turk's Head Surgery Center	28 Pa. Code § 551.21(d)	criteria for ambulatory surgery	04/30/11	not necessary
Children's Surgery Center, LLC	28 Pa. Code § 551.22(2)	documentation	04/23/11	not necessary
Children's Surgery Center, LLC	28 Pa. Code § 551.22(3)(ii)	criteria for ambulatory surgery on pediatric patients		granted
Regional Hospital Surgery Center	28 Pa. Code §§ 553.1—553.4	governing body	05/28/11	granted
Center For Specialized Surgery	28 Pa. Code § 553.31	administrative responsibilities	05/14/11	denied
Regional Hospital Surgery Center	28 Pa. Code §§ 553.31(b), 557.2, 557.3, 557.4 and 567.2	quality assurance and improvement	05/28/11	granted
Regional Hospital Surgery Center	28 Pa. Code §§ 555.1—555.4	medical staff	05/28/11	granted
The Reading Hospital SurgiCenter at Spring Ridge	28 Pa. Code §§ 555.3, 555.4 and 555.225(2)	medical staff membership and privileges surgical procedures	04/09/11	granted
Wellspring Surgical Center	28 Pa. Code § 555.23(f)	operative care	04/02/11	granted with conditions
Children's Surgery Center, LLC	28 Pa. Code § 559.2	director of nursing	04/02/11	granted
Regional Hospital Surgery Center	28 Pa. Code § 561.2	pharmaceutical services	05/28/11	not necessary
Grant Surgicenter, LLC	28 Pa. Code § 565.13(b)	organization and staffing	05/14/11	denied
Scranton Endoscopy Center	28 Pa. Code § 567.2(1)	infection control	06/11/11	not necessary
Ambulatory Surgery Center at St Mary	28 Pa. Code § 569.35	general safety precautions	06/25/11	granted
<b>Nursing Care Facilities</b>				
Aristacare at Meadow Springs	28 Pa. Code § 201.3	definitions	06/11/11	granted
Villa St. Joseph of Baden, Inc.	28 Pa. Code § 201.3	definitions	07/02/11	granted
Reformed Presbyterian Home	28 Pa. Code § 201.3	definitions	07/02/11	granted
Fellowship Manor	28 Pa. Code § 201.3	definitions	07/09/11	granted
Millcreek Manor	28 Pa. Code § 201.18(e)	management	04/02/11	granted
Millcreek Community Hospital	28 Pa. Code § 201.18(e)	management	04/02/11	granted
Progressive Care Center	28 Pa. Code § 201.18(e)	management	04/23/11	denied
Epworth Manor	28 Pa. Code § 205.6(a)	function of building	04/09/11	granted
Vincentian Home	28 Pa. Code § 205.6(a)	function of building	05/07/11	granted
Bradford Ecumenical Home	28 Pa. Code § 205.6(a)	function of building	05/28/11	granted
Riverwoods	28 Pa. Code § 205.6(a)	function of building	06/04/11	granted
Epworth Manor	28 Pa. Code § 205.6(a)	function of building	06/25/11	granted
Jefferson Hills Manor	28 Pa. Code § 205.6(a)	function of building	07/23/11	granted
Guardian Elder Care Center	28 Pa. Code § 205.6(a)	function of building	07/23/11	granted

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Pleasant Valley Manor, Inc. Monroe	28 Pa. Code § 205.9(a)	corridors	07/23/11	granted
Centre Crest	28 Pa. Code § 205.25(a)	kitchen	07/16/11	granted
Hempfield Manor	28 Pa. Code § 205.25(b)	kitchen	06/25/11	granted
Nipple Convalescent Home	28 Pa. Code § 205.26(e)	laundry	04/02/11	granted
Rolling Fields, Inc.	28 Pa. Code § 205.28(b) and (c)(3)	nurses' station	05/14/11	granted
Foulkeways at Gwynedd	28 Pa. Code § 205.28(c)(3)	nurses' station	05/28/11	granted
Souderton Mennonite Homes	28 Pa. Code § 205.28(b)	nurses' station	07/02/11	granted
Manorcare Health Services Kingston	28 Pa. Code § 205.33(a)	utility room	05/07/11	granted
Moravian Manor	28 Pa. Code § 205.33(a)	utility room	05/14/11	granted
Clepper Manor	28 Pa. Code § 205.36(b)	bathing facilities	03/26/11	granted
Snyder Memorial Health Care Center	28 Pa. Code § 205.36(b)	bathing facilities	03/26/11	granted
Foulkeways at Gwynedd	28 Pa. Code § 205.36(e) and (f)	bathing facilities	05/28/11	granted
Kepler Home	28 Pa. Code § 205.36(h)	bathing facilities	04/09/11	granted
Bradford Ecumenical Home	28 Pa. Code § 205.36(h)	bathing facilities	06/04/11	granted
Homestead Village, Inc.	28 Pa. Code § 205.36(h)	bathing facilities	06/25/11	granted
Homestead Village, Inc.	28 Pa. Code § 205.39(b)	toilet room equipment	06/25/11	granted
Messiah Village	28 Pa. Code § 205.67(j) and (k)	electrical requirements for existing new construction	04/02/11	granted
Maple Farm	28 Pa. Code § 205.67(k)	electric requirements for existing and new construction	07/16/11	granted

Persons with a disability who require an alternative format of this notice (for example, large print, audiotope, Braille) should contact the Division of Acute and Ambulatory Care or the Division of Nursing Care Facilities at the previously referenced address, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 11-1564. Filed for public inspection September 9, 2011, 9:00 a.m.]

### Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking exceptions to 28 Pa. Code §§ 205.6(a) and (b), 205.10(b), 205.31 and 205.67(j) and (k).

Christ's Home Retirement Center  
1220 West Street Road  
Warminster, PA 18974  
FAC ID 550202

This request is on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be

reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 11-1565. Filed for public inspection September 9, 2011, 9:00 a.m.]

### Organ Donation Advisory Committee Meeting

The Organ Donation Advisory Committee, established under 20 Pa.C.S. § 8622 (relating to The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund), will hold a public meeting on October 6, 2011, from 10 a.m. to 3 p.m. The meeting will be held at

the Giant Community Center, 2nd Floor, Giant Food Store, 3301 Trindle Road, Camp Hill, PA 17011.

For additional information, or for persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Cyndi Malinen, Public Health Program Administrator, Division of Nutrition and Physical Activity, Bureau of Health Promotion and Risk Reduction, Room 1000, Health and Welfare Building, Harrisburg, PA, (717) 787-

5876, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

This meeting is subject to cancellation without notice.

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 11-1566. Filed for public inspection September 9, 2011, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Current Prevailing Wage Act Debarments

The following contractors have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-1—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P. S. § 165-11(e)), these contractors, or either one of them, or any firms, corporations or partnerships in which either one of these contractors has an interest, shall be awarded no contract for 3 years after the date listed.

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
Amy Maier and Mark Maier d/b/a Maier Excavation Mark Maier SSN (194-54-3502)	2315 Pine Grove Road, Industry, PA 15052	08/09/2011

JULIA K. HEARTHWAY,  
*Secretary*

[Pa.B. Doc. No. 11-1567. Filed for public inspection September 9, 2011, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Social Security Number Exemption

The Department of Public Welfare (Department) is announcing that it has been granted an extension of the exemption from the Title IV-D Child Support Enforcement law requiring collection of Social Security Numbers (SSN) for Commonwealth license applications for recreational licenses.

Under the Social Security Number Privacy Act, (act) (71 P. S. §§ 2601—2608), the Department is required to apply to the United States Department of Health and Human Services (DHHS) for an exemption from the Federal law that requires an applicant applying for or renewing a recreational license (hunting and fishing) to include the applicant's SSN on the application. See section 466(a)(13)(A) of the Social Security Act (42 U.S.C.A. § 666(a)(13)(A)). The act further provides that if the exemption is granted, an applicant shall be permitted to provide a driver's license number or Department of Transportation (DOT) issued nondriver identification card number as an alternative to disclosing the applicant's SSN. The Department's previous exemption request was granted by DHHS. See 39 Pa.B. 2058 (April 18, 2009).

The DHHS granted the Department's request to extend the exemption to continue the collection of a driver's license number or DOT-issued nondriver identification card number instead of an SSN for any applicant for a recreational license. The Department's request was granted because of privacy concerns with the current collection process for SSNs on recreational license applications and that compliance with section 466 (a)(13)(A) of the Social Security Act would not increase the efficiency and effectiveness of the Commonwealth's Title IV-D Child Support Enforcement Program. However, any recreational

license applicant who does not possess a DOT-issued driver's license number or nondriver identification card number is required to supply an SSN on the recreational license application.

#### *Fiscal Impact*

There is no fiscal impact.

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Bureau of Child Support Enforcement, Attn: Thomas Sheaffer, P. O. Box 8018, Harrisburg, PA 17105-8018.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

GARY D. ALEXANDER,  
*Secretary*

**Fiscal Note:** 14-NOT-714. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 11-1568. Filed for public inspection September 9, 2011, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Hot Hand '11 Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:



1. *Name:* The name of the game is Pennsylvania Hot Hand '11.

2. *Price:* The price of a Pennsylvania Hot Hand '11 instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania Hot Hand '11 instant lottery game ticket will contain a "DEALER'S HAND" area and a "YOUR HANDS" area. The "YOUR HANDS" area will feature 12 "HAND" areas. Each "HAND" is played separately. The card play symbols and their captions located in the "DEALER'S HAND" area are: 6 (SIX), 7 (SVN), 8 (EGT), 9 (NIN), 10 (TEN), J (JCK), Q (QUN), K (KNG) and A (ACE). The card play symbols and their captions located in "HAND 1," "HAND 2," "HAND 3," "HAND 4," "HAND 5," "HAND 6," "HAND 7," "HAND 8," "HAND 9," "HAND 10," "HAND 11" and "HAND 12" in the "YOUR HANDS" area are: 4 (FOR), 5 (FIV), 6 (SIX), 7 (SVN), 8 (EGT), 9 (NIN), 10 (TEN), J (JCK), Q (QUN), K (KNG) and A (ACE). A = 11, J, Q and K = 10.

4. *Prize Symbols:* The prize symbols and their captions located in the 12 prize areas are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$15<sup>00</sup> (FIFTN), \$20<sup>00</sup> (TWENTY), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$50,000 (FTY THO) and \$100,000 (ONEHUNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$15, \$20, \$40, \$50, \$100, \$500, \$1,000, \$50,000 and \$100,000. The player can win up to 12 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 12,000,000 tickets will be printed for the Pennsylvania Hot Hand '11 instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets where the sum of the card play symbols in any "HAND" is greater than the sum of the card play symbols in the "DEALER'S HAND," and a prize symbol of \$100,000 (ONEHUNTHO) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets where the sum of the card play symbols in any "HAND" is greater than the sum of the card play symbols in the "DEALER'S HAND," and a prize symbol of \$50,000 (FTY THO) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$50,000.

(c) Holders of tickets where the sum of the card play symbols in any "HAND" is greater than the sum of the card play symbols in the "DEALER'S HAND," and a prize symbol of \$1,000 (ONE THO) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets where the sum of the card play symbols in any "HAND" is greater than the sum of the card play symbols in the "DEALER'S HAND," and a prize symbol of \$500 (FIV HUN) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets where the sum of the card play symbols in any "HAND" is greater than the sum of the card play symbols in the "DEALER'S HAND," and a prize symbol of \$100 (ONE HUN) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets with two matching card play symbols in the same "HAND" and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets with two matching card play symbols in the same "HAND" and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$80.

(h) Holders of tickets where the sum of the card play symbols in any "HAND" is greater than the sum of the card play symbols in the "DEALER'S HAND," and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$50.

(i) Holders of tickets where the sum of the card play symbols in any "HAND" is greater than the sum of the card play symbols in the "DEALER'S HAND," and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$40.

(j) Holders of tickets with two matching card play symbols in the same "HAND" and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$40.

(k) Holders of tickets with two matching card play symbols in the same "HAND" and a prize symbol of \$15<sup>00</sup> (FIFTN) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$30.

(l) Holders of tickets where the sum of the card play symbols in any "HAND" is greater than the sum of the card play symbols in the "DEALER'S HAND," and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$20.

(m) Holders of tickets with two matching card play symbols in the same "HAND" and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$20.

(n) Holders of tickets where the sum of the card play symbols in any "HAND" is greater than the sum of the card play symbols in the "DEALER'S HAND," and a prize symbol of \$15<sup>00</sup> (FIFTN) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$15.

(o) Holders of tickets where the sum of the card play symbols in any "HAND" is greater than the sum of the card play symbols in the "DEALER'S HAND," and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$10.

(p) Holders of tickets with two matching card play symbols in the same "HAND" and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$10.

(q) Holders of tickets where the sum of the card play symbols in any "HAND" is greater than the sum of the card play symbols in the "DEALER'S HAND," and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

*When The Sum Of Any Of  
Your Hands Beats The Sum  
Of The Dealer's Hand, Win  
Prize Shown For That Hand.  
Win With Prize(s) Of:*

<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. of Winners Per 12,000,000 Tickets:</i>
\$5	\$5	9.68
DOUBLE w/\$5	\$10	54.55
\$5 × 2	\$10	54.55
\$10	\$10	60
(DOUBLE w/\$5) + \$5	\$15	100
\$5 × 3	\$15	75
\$10 + \$5	\$15	300
\$15	\$15	150
DOUBLE w/\$10	\$20	300
\$5 × 4	\$20	200
\$20	\$20	60
(DOUBLE w/\$5) × 4	\$40	300
DOUBLE w/\$20	\$40	300
\$10 × 4	\$40	600
\$5 × 8	\$40	600
(\$15 × 2) + \$10	\$40	600
\$40	\$40	600
(DOUBLE w/\$20) + \$10	\$50	1,200
\$5 × 10	\$50	1,200
\$10 × 5	\$50	1,200
(\$15 × 2) + \$20	\$50	1,200
\$40 + \$10	\$50	1,200
\$50	\$50	1,200
DOUBLE w/\$50	\$100	3,429
(DOUBLE w/\$5) × 10	\$100	1,263
(\$5 × 10) + \$40 + \$10	\$100	1,263
\$20 × 5	\$100	3,429
\$50 + \$40 + \$10	\$100	3,429
\$50 + \$20 + \$15 + \$10 + \$5	\$100	4,000
\$100	\$100	1,263
[(DOUBLE w/\$15) × 10] + [(DOUBLE w/\$50) × 2]	\$500	30,000
\$50 × 10	\$500	30,000
\$100 × 5	\$500	30,000
\$500	\$500	30,000
[(DOUBLE w/\$40) × 10] + [(DOUBLE w/\$50) × 2]	\$1,000	60,000
\$500 × 2	\$1,000	60,000
\$1,000	\$1,000	60,000
\$50,000	\$50,000	600,000
\$100,000	\$100,000	800,000

Get a matching pair of cards in the same hand, win double the prize shown for that hand.

Prizes, including the top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Hot Hand '11 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Hot Hand '11, prize money from winning Pennsylvania Hot Hand '11 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Hot Hand '11 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Hot Hand '11 or through normal communications methods.

DANIEL MEUSER,  
*Secretary*

[Pa.B. Doc. No. 11-1569. Filed for public inspection September 9, 2011, 9:00 a.m.]

### Pennsylvania Triple Winning 3s Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Triple Winning 3s.

2. *Price:* The price of a Pennsylvania Triple Winning 3s instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania Triple Winning 3s instant lottery game ticket will contain one play area featuring a “WINNING NUMBER” area and a “YOUR NUMBERS” area. The play symbols and their captions located in the “WINNING NUMBER” area are: 1 (ONE), 2 (TWO), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENT). The play symbols and their captions located in the “YOUR NUMBERS” area are: 1 (ONE), 2 (TWO), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT) and a 3X (TRPL) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the “YOUR NUMBERS” area are: FREE (TICKET), \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$3<sup>00</sup> (THR DOL), \$5<sup>00</sup> (FIV DOL), \$6<sup>00</sup> (SIX DOL), \$9<sup>00</sup> (NIN DOL), \$10<sup>00</sup> (TEN DOL), \$15<sup>00</sup> (FIFTN), \$20<sup>00</sup> (TWENTY), \$30<sup>00</sup> (THIRTY), \$33<sup>00</sup> (TRY THR), \$60<sup>00</sup> (SIXTY), \$90<sup>00</sup> (NINTY), \$300 (THR HUN) and \$3,000 (THR THO).

5. *Prizes:* The prizes that can be won in this game are: Free \$1 Ticket, \$1, \$2, \$3, \$5, \$6, \$9, \$10, \$15, \$20, \$30, \$33, \$60, \$90, \$300 and \$3,000. A player can win up to 5 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 24,000,000 tickets will be printed for the Pennsylvania Triple Winning 3s instant lottery game.

#### 7. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “WINNING NUMBER” play symbol and a prize symbol of \$3,000 (THR THO) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$3,000.

(b) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “WINNING NUMBER” play symbol and a prize symbol of \$300 (THR HUN) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$300.

(c) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a 3X (TRPL) symbol, and a prize symbol of \$90<sup>00</sup> (NINTY) appears under that 3X (TRPL) symbol, on a single ticket, shall be entitled to a prize of \$270.

(d) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “WINNING NUMBER” play symbol and a prize symbol of

\$90<sup>00</sup> (NINTY) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$90.

(e) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a 3X (TRPL) symbol, and a prize symbol of \$30<sup>00</sup> (THIRTY) appears under that 3X (TRPL) symbol, on a single ticket, shall be entitled to a prize of \$90.

(f) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “WINNING NUMBER” play symbol and a prize symbol of \$60<sup>00</sup> (SIXTY) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$60.

(g) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a 3X (TRPL) symbol, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears under that 3X (TRPL) symbol, on a single ticket, shall be entitled to a prize of \$60.

(h) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “WINNING NUMBER” play symbol and a prize symbol of \$33<sup>00</sup> (TRY THR) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$33.

(i) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “WINNING NUMBER” play symbol and a prize symbol of \$30<sup>00</sup> (THIRTY) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$30.

(j) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a 3X (TRPL) symbol, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under that 3X (TRPL) symbol, on a single ticket, shall be entitled to a prize of \$30.

(k) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “WINNING NUMBER” play symbol and a prize symbol of \$20<sup>00</sup> (TWENTY) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(l) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “WINNING NUMBER” play symbol and a prize symbol of \$15<sup>00</sup> (FIFTN) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$15.

(m) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a 3X (TRPL) symbol, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under that 3X (TRPL) symbol, on a single ticket, shall be entitled to a prize of \$15.

(n) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “WINNING NUMBER” play symbol and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(o) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches the “WINNING NUMBER” play symbol and a prize symbol of \$9<sup>00</sup> (NIN DOL) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$9.



(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 3X (TRPL) symbol, and a prize symbol of \$3.<sup>00</sup> (THR DOL) appears under that 3X (TRPL) symbol, on a single ticket, shall be entitled to a prize of \$9.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$6.<sup>00</sup> (SIX DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$6.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 3X (TRPL) symbol, and a prize symbol of \$2.<sup>00</sup> (TWO DOL) appears under that 3X (TRPL) symbol, on a single ticket, shall be entitled to a prize of \$6.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$3.<sup>00</sup> (THR DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$3.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 3X (TRPL) symbol, and a prize symbol of \$1.<sup>00</sup> (ONE DOL) appears under that 3X (TRPL) symbol, on a single ticket, shall be entitled to a prize of \$3.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$2.<sup>00</sup> (TWO DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(w) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$1.<sup>00</sup> (ONE DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1.

(x) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of FREE (TICKET) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of one Pennsylvania Triple Winning 3s instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

*When Any Of Your Numbers  
Match The Winning Number,  
Win Prize Shown Under The  
Matching Number. Win With  
Prize(s) Of:*

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 24,000,000 Tickets:
FREE	FREE \$1 TICKET	12	2,000,000
\$1	\$1	85.71	280,000
\$2	\$2	17.65	1,360,000
\$1 w/3X	\$3	60	400,000
\$1 × 3	\$3	150	160,000
\$3	\$3	150	160,000
(\$1 w/3X) + \$2	\$5	300	80,000
\$1 × 5	\$5	600	40,000
\$5	\$5	600	40,000
\$2 w/3X	\$6	750	32,000
\$2 × 3	\$6	1,500	16,000
\$3 × 2	\$6	1,500	16,000
\$6	\$6	1,500	16,000
\$3 w/3X	\$9	300	80,000
\$9	\$9	300	80,000
(\$2 w/3X) + (\$2 × 2)	\$10	1,000	24,000
\$2 × 5	\$10	3,000	8,000
\$10	\$10	3,000	8,000
\$5 w/3X	\$15	1,500	16,000
\$3 × 5	\$15	3,000	8,000
\$15	\$15	1,500	16,000
(\$5 w/3X) + \$5	\$20	1,500	16,000
\$10 × 2	\$20	3,000	8,000
\$20	\$20	1,500	16,000
\$10 w/3X	\$30	8,000	3,000
\$6 × 5	\$30	24,000	1,000
\$30	\$30	24,000	1,000
\$33	\$33	585.37	41,000
\$20 w/3X	\$60	16,000	1,500
\$15 × 4	\$60	16,000	1,500
\$20 × 3	\$60	16,000	1,500



*When Any Of Your Numbers Match The Winning Number, Win Prize Shown Under The Matching Number. Win With Prize(s) Of:*

\$30 × 2  
\$60  
\$30 w/3X  
\$90  
(\$90 w/3X) + \$30  
\$300  
\$3,000

*Win:*

\$60  
\$60  
\$90  
\$90  
\$300  
\$300  
\$3,000

*Approximate Odds Are 1 In:*

16,000  
16,000  
3,692  
9,600  
240,000  
240,000  
240,000

*Approximate No. Of Winners Per 24,000,000 Tickets:*

1,500  
1,500  
6,500  
2,500  
100  
100  
100

Get a "3X" (TRPL) symbol, win 3 times the prize shown under it.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Triple Winning 3s instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Triple Winning 3s, prize money from winning Pennsylvania Triple Winning 3s instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Triple Winning 3s instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Triple Winning 3s or through normal communications methods.

DANIEL MEUSER,  
*Secretary*

[Pa.B. Doc. No. 11-1570. Filed for public inspection September 9, 2011, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

Finding  
Bucks County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Director of the Bureau of

Project Delivery as delegated by the Secretary of Transportation makes the following written finding:

The Department of Transportation (Department) is planning a project to replace the bridge carrying SR 1017 (Bridgeton Hill Road) over the Delaware Canal in Bridgeton Township, Bucks County. The project also includes reconstruction of bridge approaches with widening for shoulders, as required, updating guide rail, end treatments and drainage improvements as needed, providing appropriate mitigation, including replacement of the access to the Delaware Canal tow path and reconstruction of the northwest retaining wall (which supports the north approach to the bridge), selective signing upgrades and installation of durable pavement markings.

The Section 2002 resources involved with the project are the bridge to be replaced and the Delaware Canal. The Bridgeton Hill Road Bridge is a contributing element to the Delaware Canal. The Delaware Canal was listed in the National Register of Historic Places on October 29, 1974, and was designated a National Historic Landmark in 1976. The Delaware Canal is also considered a Pennsylvania State Park and is managed by the Department of Conservation and Natural Resources. The proposed project results in an Adverse Effect finding.

In accordance with Section 2002 of The Administrative Code of 1929 establishing the Department, a Level 2 Environmental Document (ED) has been developed for the subject project along with a Section 2002 Evaluation document to evaluate the potential environmental impacts caused by the subject project.

Based upon studies, there is no feasible and prudent alternative to the proposed action. Mitigation measures will be taken to minimize harm as stipulated in the Level 2 ED and the Section 2002 Evaluation document. A Memorandum of Agreement has also been signed by the United States Army Corps of Engineers, the Pennsylvania State Historic Preservation Office and the Department.

The environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 have been considered. It has been concluded that there is no feasible and prudent alternative to the project as designed and all reasonable steps have been taken to minimize the effects.

BRIAN G. THOMPSON, P.E.,  
*Director*  
*Bureau of Project Delivery*

[Pa.B. Doc. No. 11-1571. Filed for public inspection September 9, 2011, 9:00 a.m.]

# INDEPENDENT REGULATORY REVIEW COMMISSION

## Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, August 25, 2011, and announced the following:

### *Action Taken—Regulations Approved:*

Insurance Department #11-248: Fraternal Beneficial Societies (deletes 31 Pa. Code Chapter 43)

Board of Coal Mine Safety #7-455: Underground Coal Mine Safety (establishes 25 Pa. Code Chapter 208)

Pennsylvania Gaming Control Board #125-141: Preliminary Provisions; Bureau of Investigations and Enforcement (amends 58 Pa. Code Chapters 401a and 405a)

### *Action Taken—Regulation Disapproved: Order Not Yet Issued*

\* Pennsylvania Public Utility Commission #57-269: Natural Gas Distribution Companies and the Promotion of Competitive Retail Markets

## Approval Order

Public Meeting held  
August 25, 2011

*Commissioners Voting:* Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; Arthur Coccodrilli; John F. Mizner, Esq.; Lawrence J. Tabas, Esq.

*Insurance Department—  
Fraternal Beneficial Societies;  
Regulation No. 11-248 (#2900)*

On July 15, 2011, the Independent Regulatory Review Commission (Commission) received this regulation from the Insurance Department (Department). This rulemaking deletes 31 Pa. Code Chapter 43. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This final-omitted regulation deletes an outdated chapter relating to the establishment and valuation of life insurance reserves by beneficial societies subject to a 1937 Act that was repealed.

We have determined this regulation is consistent with the statutory authority of the Department (71 P. S. § 186) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

## Approval Order

Public Meeting held  
August 25, 2011

*Commissioners Voting:* Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; Arthur Coccodrilli; John F. Mizner, Esq.; Lawrence J. Tabas, Esq.

*Board of Coal Mine Safety—  
Underground Coal Mine Safety;  
Regulation No. 7-455 (#2856)*

On June 25, 2010, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Board of Coal Mine Safety (Board). This rulemaking establishes 25 Pa. Code Chapter 208. The proposed regulation was published in the July 10, 2010 *Pennsylvania Bulletin* with a 60-day public comment period. The final-form regulation was submitted to the Commission on July 22, 2011.

This final-form rulemaking establishes safety standards relating to belt conveyor flammability, the design and installation of mine seals, escapeways, emergency response and self-contained self-rescue devices. They incorporate by reference safety standards adopted by the United States Department of Labor, Mine Safety and Health Administration found in 30 CFR Part 75 (relating to mandatory safety standards—underground coal mines).

We have determined this regulation is consistent with the statutory authority of the Board (52 P. S. §§ 690-106, 690-106.1 and 690-106.2) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

## Approval Order

Public Meeting held  
August 25, 2011

*Commissioners Voting:* Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; Arthur Coccodrilli; John F. Mizner, Esq.; Lawrence J. Tabas, Esq.

*Pennsylvania Gaming Control Board—  
Preliminary Provisions; Bureau of Investigations  
and Enforcement  
Regulation No. 125-141 (#2888)*

On February 14, 2011, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Gaming Control Board (Board). This rulemaking amends 58 Pa. Code Chapters 401a and 405a. The proposed regulation was published in the February 26, 2011 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on July 21, 2011.

This regulation establishes the appropriate procedures and conduct required for permitting ex parte communications with the Board, and sets forth the separation of the functions of certain offices and bureaus in the Board.

We have determined this regulation is consistent with the statutory authority of the Board (4 Pa.C.S. §§ 1202 (b)(25), 1202.1, 1516.1 and 1517 (a.1)(2)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

SILVAN B. LUTKEWITTE, III,  
*Chairperson*

[Pa.B. Doc. No. 11-1572. Filed for public inspection September 9, 2011, 9:00 a.m.]

## Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P.S. § 645.5b).

The Commission has issued comments on the following proposed regulation. The agencies must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
125-151	Pennsylvania Gaming Control Board Table Game Rules for Minibaccarat, Midibaccarat and Baccarat 41 Pa.B. 3196 (June 25, 2011)	7/25/11	8/24/11

### Pennsylvania Gaming Control Board Regulation #125-151 (IRRC #2897)

#### Table Game Rules for Minibaccarat, Midibaccarat and Baccarat

August 24, 2011

We submit for your consideration the following comments on the proposed rulemaking published in the June 25, 2011 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Pennsylvania Gaming Control Board (Board) to respond to all comments received from us or any other source.

#### 1. Implementation procedures.

This proposed rulemaking includes references to regulations that have not been promulgated. The sections of this rulemaking that include the references are:

- § 627a.2(c)(7)
- § 627a.4(e)
- § 627a.5(a)
- § 627a.8(c)
- § 627a.12(c)
- § 627a.12(g)
- § 627a.12(h)
- § 627a.13(c)
- § 629a.2(c)(7)
- § 629a.4(d)
- § 629a.5(a)
- § 629a.12(c)
- § 629a.12(g)
- § 629a.13(c)
- § 631a.5(a)
- § 631a.9(d)
- § 631a.13(c)
- § 631a.13(g)
- § 631a.13(h)
- § 631a.15(c)

It is our understanding that the references are to other Board table game regulations that will be promulgated in the near future. We are concerned that this rulemaking will be finalized before the other regulations are finalized. If this occurs, it could lead to a confusing regulatory environment for those that must comply with the rulemaking. In the Preamble to the final version of this rulemaking, we ask the Board to explain its plan for promulgating all of these regulations in a manner that ensures all references are valid.

#### 2. Clarity and lack of ambiguity.

Throughout this proposed rulemaking, licensed facilities that hold table game operation certificates (certifi-

cate holders) are required to obtain certain approvals from either the Board's Bureau of Gaming Operations or the Bureau of Casino Compliance. For example, Section 627a.2(b) states, "The dimensions of a Minibaccarat table shall be approved by the Bureau of Gaming Operations." We are concerned that the proposed rulemaking does not include the procedures for obtaining the necessary approvals. To assist the regulated community in understanding how to submit the requests for certain approvals, we suggest that the final form regulation include the procedures or appropriate cross-references to where the procedures can be found. We have identified the following sections that contain references to approvals:

- § 627a.2(b)
- § 627a.2(c)
- § 627a.2(e)
- § 627a.5(g)(2)(ii)
- § 627a.5(h)
- § 629a.2(b)
- § 629a.2(c)
- § 629a.2(e)
- § 629a.2(f)
- § 631a.2(b)
- § 631a.2(d)
- § 631a.2(e)

In addition, we note that the terms "EZ Baccarat," "Dragon 7 Insurance Wager" and "Dragon 7 Bonus Wager" are used throughout the rulemaking, but are not defined. We believe clarity would be improved if these terms were defined in the definitions section of each of the three chapters on which this rulemaking is based.

### CHAPTER 627a. MINIBACCARAT

#### 3. Section 627a.3. Cards; number of decks.—Need; Reasonableness.

Subsection (c) requires decks of cards opened for use at a Minibaccarat table to be changed at least once every 24 hours. We note that this provision differs from the requirements for the games of Minibaccarat and Baccarat found under Sections 629a.3(b) and 631a.3(b) respectively. Those provisions require decks of cards open for use to be changed after the play of each shoe of cards. We have three concerns. First, what is the reason for the difference between these sections? Second, what is the need for these provisions? Third, what becomes of the cards that were in use? Can they be reused?



**4. Section 627a.4. Opening of a table for gaming.—Reasonableness.**

Under Subsection (a), if a dealer receives six or more decks of cards at the table, those cards must be inspected for defects. Similar language can be found in Sections 629a.4(a) and 631a.4(a), relating to Midibaccarat and Baccarat. We believe it would be reasonable to require inspection of any cards received at a table and suggest that the necessary language be added to all three sections of the rulemaking.

**5. Section 627a.12. Payout odds; vigorish.—Reasonableness; Clarity.**

Subsection (c) states that a certificate holder may extract a 4% or 5% vigorish from a winning wager placed on the Banker's Hand. Subsection (h) states that the certificate holder may charge every player at the gaming table a vigorish up to 25% of the player's wage if certain conditions are met. Similar language can be found in Sections 629a.12 and 631a.13 relating to Midibaccarat and Baccarat. Since these provisions can vary, how will players know if a vigorish is being charged and what that vigorish will be?

**CHAPTER 629a. MIDIBACCARAT**

**6. Section 629a.8. Hands of player and banker; procedure for dealing initial two cards to each hand.—Clarity and lack of ambiguity.**

Subsection (d) states that a player may be required to relinquish the right to turn over cards if, "the player unreasonably delays the game or violates either the act or this part." Similar language can be found under Section 631a.9(e), relating to Baccarat. The inclusion of the phrase "either the act or this part" makes this provision very broad. What is the need for including such a sweeping provision in the rulemaking? Has the Board considered narrowing the scope of the provision to actions of the player during the play of the game?

**7. Section 631a.2. Baccarat table physical characteristics.—Clarity.**

Sections 627a.2(b) and 629a.2(b), pertaining to Minibaccarat and Midibaccarat, require the dimensions of each type of gaming table to be approved by the Bureau of Gaming Operations. However, this type of approval is not needed under this section of the rulemaking for Baccarat gaming tables. What is the reason for this difference?

SILVAN B. LUTKEWITTE, III,  
Chairperson

[Pa.B. Doc. No. 11-1573. Filed for public inspection September 9, 2011, 9:00 a.m.]

## INSURANCE DEPARTMENT

**Application for Approval to Acquire Control of Colonial Penn Life Insurance Company**

Paulson & Co., Inc. has filed an application to acquire control of Colonial Penn Life Insurance Company, a Pennsylvania domiciled stock life insurance company. The filing was made under Article XIV of The Insurance Company Law of 1921 (40 P.S. §§ 991.1401—991.1413).

Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written

statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or rbrackbill@state.pa.us.

MICHAEL F. CONSEDINE,  
Insurance Commissioner

[Pa.B. Doc. No. 11-1574. Filed for public inspection September 9, 2011, 9:00 a.m.]

**Application and Request for Approval to Redomesticate from Franklin Homeowners Assurance Company**

Franklin Homeowners Assurance Company, a domestic stock property insurance company, has filed an application for approval of a plan of redomestication whereby the state of domicile would change from Pennsylvania to Delaware. The initial filing was made under 15 Pa.C.S. §§ 4161 and 4162 (relating to domestication; and effect of domestication).

Persons wishing to comment on the grounds of public or private interest to the issuance of the Insurance Department's (Department) order approving the redomestication are invited to submit a written statement to the Department within 14 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or rbrackbill@state.pa.us.

MICHAEL F. CONSEDINE,  
Insurance Commissioner

[Pa.B. Doc. No. 11-1575. Filed for public inspection September 9, 2011, 9:00 a.m.]

**Application and Request for Approval to Redomesticate from Mutual Fire, Marine and Inland Insurance Company**

Mutual Fire, Marine and Inland Insurance Company, a domestic mutual property insurance company, has filed an application for approval of a plan of redomestication whereby the state of domicile would change from Pennsylvania to Delaware. The initial filing was made under 15 Pa.C.S. §§ 4161 and 4162 (relating to domestication; and effect of domestication).

Persons wishing to comment on the grounds of public or private interest to the issuance of the Insurance Department's (Department) order approving the redomestication are invited to submit a written statement to the Department within 14 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must in-



clude name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or rbrackbill@state.pa.us.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 11-1576. Filed for public inspection September 9, 2011, 9:00 a.m.]

### The Medical Protective Company Rate and Rule Filing

On August 19, 2011, the Insurance Department (Department) received from The Medical Protective Company a filing for rate level changes for the Physicians and Surgeons, Dentists, Allied Healthcare Providers and Comprehensive Liability Package programs. The company requests an overall rate level decrease of 3.5% to be effective January 1, 2012. The filing includes the following revisions: changes to territorial relativities; introduction of three new specialties in the Physicians and Surgeons program; movement of one Physicians and Surgeons specialty from one class to another; and various rule revisions.

Unless formal administrative action is taken prior to October 18, 2011, the rates within the subject filing may be deemed into use upon the effective date, January 1, 2012, by operation of law.

A copy of the filing is available on the Department's web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). To access the filing, under "How to Find..." click on "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to Eric Zhou, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [gzhou@pa.gov](mailto:gzhou@pa.gov) within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 11-1577. Filed for public inspection September 9, 2011, 9:00 a.m.]

### Progressive Advanced Insurance Company; Progressive Preferred Insurance Company; Progressive Specialty Insurance Company; Private Passenger Automobile; Rate Revisions

On August 22, 2011, the Insurance Department (Department) received from Progressive Advanced Insurance Company, Progressive Preferred Insurance Company and Progressive Specialty Insurance Company a filing for rate level changes for private passenger automobile insurance.

The companies request an overall 4.7%, 5.5% and 5.5% increase amounting to \$3.558 million, \$1.578 million and \$5.418 million, respectively, to be effective October 28,

2011, for new business and December 7, 2011, for renewals. These overall figures represent an average; the effect of this filing on the rates for individual consumers may vary.

Unless formal administrative action is taken prior to October 21, 2011, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). To access the filing, under "How to Find..." click on "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to Bojan Zorkic, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [bzorkic@pa.gov](mailto:bzorkic@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 11-1578. Filed for public inspection September 9, 2011, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Natural Gas

**A-2011-2230314. Pentex Pipeline Company.** Amended Application of Pentex Pipeline Company for approval to begin to offer, render, furnish or supply natural gas gathering or conveying services by pipeline to its existing customer and to the public in the Borough of Wyalusing, Bradford County.

This is an amendment to include the Borough of Wyalusing in Pentex Pipeline Company's application to provide natural gas gathering or conveying services that was published at 41 Pa.B. 1739 (March 26, 2011).

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before September 20, 2011. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* Pentex Pipeline Company

*Through and By Counsel:* Pamela C. Polacek, Esquire, McNees, Wallace and Nurick, LLC, 100 Pine Street, P. O. Box 1166, Harrisburg, PA 17108-1166

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 11-1579. Filed for public inspection September 9, 2011, 9:00 a.m.]

## Petition of the Borough of Sandy Lake for a Declaratory Order

Public Meeting held  
August 25, 2011

*Commissioners Present:* Robert F. Powelson, Chairperson; John F. Coleman, Jr., Vice Chairperson; Wayne E. Gardner; James H. Cawley; Pamela A. Witmer

*Petition of the Borough of Sandy Lake for a Declaratory Order that its Provision of Water Service to Isolated Customers in Sandy Lake Township Does Not Constitute the Provision of Public Utility Service Under 66 Pa.C.S. § 102; Doc. No. P-2011-2224488*

### Tentative Order

*By the Commission*

On February 2, 2011, the Borough of Sandy Lake (the Borough or Sandy Lake), filed the above-captioned petition for declaratory order. In accordance with 52 Pa. Code § 5.42, the Borough served a copy of its petition on the Office of Consumer Advocate (OCA), the Bureau of Investigation and Enforcement (BI&E), the Office of Small Business Advocate (OSBA), and on each of the twenty-four customers affected that are located outside of Sandy Lake's corporate boundaries. None of the above-mentioned parties filed answers to Sandy Lake's petition.

Section 331(f) of the Public Utility Code, 66 Pa.C.S. § 331(f), provides that the Commission "may issue a declaratory order to terminate a controversy or remove uncertainty." By its petition, the Borough seeks a determination that its provision of water service to the twenty-four customers that are physically proximate to the Borough, but not within the corporate boundaries of the Borough, is not subject to Commission jurisdiction. The Borough asserts that the service it provides to these twenty-four customers is not service "to or for the public" within the meaning of Section 102 of the Public Utility Code, 66 Pa.C.S. § 102.

In its petition, the Borough states that the twenty-four customers outside of the Borough's corporate limits take service at the same rates and terms of service as customers that reside inside Borough boundaries.

Furthermore, the Borough notes that it has been serving the twenty-one extra-territorial residential customers since 1934, when the Borough purchased the water supply system from Sandy Lake Water Works. The remaining three extra-territorial customers consist of buildings for the Lakeview Consolidated Schools, the school district for the Sandy Lake area, and a gas station located next to the schools, which have been served since 1952. We agree that under these circumstances, it is appropriate to issue a Declaratory Order in response to the subject petition.

In support of its petition, the Borough states that it is currently subject to the Commission's jurisdiction and complies with the Commission's reporting and tariff requirements. The Borough states that these requirements are unreasonably burdensome given the Borough's already limited financial resources. The Borough seeks to avoid these requirements, but at the same time retain service to the existing extra-territorial customers.

In its petition, the Borough alleges that all of the extra-territorial customers in question reside in close proximity to the Borough. These extra-territorial customers are primarily residential. To date, the Borough has never received a formal complaint from any customer.

The extra-territorial residential customers have been provided service because they had been receiving service when Sandy Lake acquired the system in 1934. There are no other public or private water service options available for these residential customers, other than the possibility of private wells. The two schools and the gas station nearly about the Borough's boundary lines. These three non-residential customers have received service since 1952. No extra-territorial customers have been added to the system since 1952. The Borough provides and maintains fire hydrants that protect all of the extra-territorial customers.

In further support of its petition, the Borough states that extra-territorial customers do not have a right to connect to Borough's system; rather the only persons who had, and still have, any right to connect to the Borough's water system are property owners located within the Borough's municipal limits.

The Borough also states in a January 5, 2011 Borough Resolution that it will not, unless directed by a Pennsylvania regulatory agency, permit any new customer connections beyond its municipal boundaries without the prior approval of the Commission. In addition, the Borough's resolution provides that the Borough will apply the same rates, terms, and conditions to the customers outside as those within the Borough's limits. The Borough Resolution also states that the Borough will not repeal or sunset the aforementioned resolution without advising the Commission regarding same. These commitments were made to ensure that the Borough will not be adding additional extra-territorial customers and that the twenty-four extra-territorial customers will not be subject to potential discrimination without the opportunity for Commission oversight.

The Borough's circumstances are similar to those presented to the Commission in the matter of *Lehigh Valley Cooperative Farmers v. City of Allentown*, 54 Pa.P.U.C. 495 (1980), wherein the Commission concluded that service to a number of isolated individuals outside of the municipal boundaries under special circumstances did not constitute public utility service subject to the Commission's jurisdiction.

In *Lehigh Valley*, the Commission reiterated that the test to determine whether a party is rendering service to the public is set forth in *Borough of Ambridge v. Pa. Public Service Commission*, 165 A. 47 (Pa. Super. 1933). In *Ambridge*, the Commission noted,

We find the distinction between public and private rendition of such service put definitely on the readiness to serve all members of the public to the extent of capacity: The test is, therefore whether or not such person holds himself out, expressly or impliedly, as engaged in the business of supplying his product or service to the public, as a class, or to any limited portion of it, as contradistinguished from holding himself out as serving or ready to serve only particular individuals. The public or private character of the enterprise does not depend, however, upon the number of persons by whom it is used, but upon whether or not it is open to the use and service of all members of the public who may require it, to the extent of its capacity; and the fact that only a limited number of persons may have occasion to use it does not make it a private undertaking if the public generally has a right to such use.

See also, Petition of Chicora Borough, Docket No. P-00981355 (May 22, 1998); and Drexelbrook Assoc. v. Pa. Public Utility Commission, 212 A.2d 237, 240 (Pa. 1965) (Service to a defined, privileged, and limited group is not public utility service).

More recently, the Commission applied the same rationale in Joint Application of Seven Fields Development Corporation, Docket No. A-220007 and A-210062F2000 (October 1, 1999). In that case, the Commission granted an application filed by a jurisdictional utility seeking to transfer its assets used in the operation of its water system to the Borough of Seven Fields. The Commission noted that the borough would be providing water service to three customers that were located outside of the borough's limits. Moreover, the Commission took note of the fact that the borough committed to continue providing water service solely to these three customers at the same terms of service as are or will be offered to customers within the boundaries of the borough. Also, as in the instant case, the Borough of Seven Fields presented an affidavit to the effect that it did not intend to offer service to the general public outside of its boundaries in the future. In the Seven Fields case, the Commission concluded that the limited nature of water service to such a defined group of customers should not realistically be subject to its jurisdiction. *Id.* at p.4.

Similarly, and more recently, in Petition of Laceyville Borough, Docket No. P-2008-2064117 (2008), the Commission determined that service of seventeen customers outside the Laceyville Borough limits did not constitute public utility service. Even more recently, in Petition of Cochranon Borough for a Declaratory Order, Docket No. P-2008-2035741 (2009), the Commission determined that service to seventy-five customers outside the Cochranon Borough limits did not constitute public utility service. Sandy Lake's petition in this proceeding comports with these two recent proceedings, and therefore Sandy Lake's petition should be resolved on a similar basis.

In applying the standards enunciated in Laceyville and Cochranon to the facts of the present case, we tentatively find that the limited extra-territorial service provided by the Borough is not subject to Commission jurisdiction. The extra-territorial service being provided by the Borough is provided to a limited number of customers and is not available or offered to the general public. The Borough clearly states that it will continue to provide service only to the twenty-four customers that it is presently serving outside of its boundaries and that it is not soliciting additional customers. Such service does not constitute the extra-territorial provision of water service to or for the public. We note our expectation that an express condition of this exemption is that the Borough continue to apply the same rates and terms of service outside as well as within the Borough's limits.

Still, we will not cancel the operating authority of Sandy Lake Borough without allowing for one additional opportunity for comment. Parties may file adverse comments with the Commission no later than twenty days after publication of this Order in the *Pennsylvania Bulletin*.

Under these circumstances, and absent any contrary responses from concerned parties, no certificate of public convenience is needed by the Borough and this Commission will cancel the operating authority issued to Sandy Lake Borough; *Therefore*,

*It Is Ordered That:*

1. The Petition for Declaratory Order filed by Sandy Lake Borough on February 2, 2011, at Docket No. P-2011-2224488 is hereby granted, consistent with this Order.

2. The provision of water service by Sandy Lake Borough to the twenty-four customers located outside of the Borough's boundaries is deemed to be non-jurisdictional because it is not service "to or for the public" within the meaning of Section 102 of the Public Utility Code, 66 Pa.C.S. § 102.

3. A copy of this Order shall be served upon the Office of Consumer Advocate, Bureau of Investigation and Enforcement, the Office of Small Business Advocate, Sandy Lake Borough, and upon each of the Borough's twenty-four extra-territorial customers.

4. The Secretary shall certify this Order and deposit it with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

5. Sandy Lake Borough is directed to publish in a newspaper of general circulation in the Sandy Lake area, notice of this Tentative Order and of the Commission's intent to cancel the Sandy Lake Borough certificate of public convenience absent adverse public comment within the twenty-day time constraint established in the *Pennsylvania Bulletin*.

6. If no objection to this Order is filed with the Commission within twenty days of the publication date in the *Pennsylvania Bulletin*, this Order shall become final, and the Commission's Secretary's Bureau shall cancel the operating authority of Sandy Lake Borough and mark this file as closed. The Secretary's Bureau then shall remove Sandy Lake Borough from the active lists of the Tariff and Annual Report Section of the Commission's Bureau of Technical Utility Services and the Assessment Section of the Bureau of Administrative Services.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 11-1580. Filed for public inspection September 9, 2011, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by September 26, 2011. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.



**Application of the following for approval to begin operating as common carriers for transportation of persons as described under the application.**

**A-2011-2253059. Mary L. Bennetch** (43 Bick Road, Fleetwood, Berks County, PA 19522)—persons, in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Berks County, to points in Pennsylvania, and return.

**Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.**

**A-2011-2256878. Jdog, LLC** (155 Millhouse Pond, Wayne, Chester County, PA 19087)—a limited liability corporation of the Commonwealth of Pennsylvania—household goods in use, from points in the Counties of Chester, Delaware and Montgomery, to points in Pennsylvania, and vice versa.

*Pennsylvania Public Utility Commission Bureau of Transportation and Safety v. Cynthia G. and Andrew J. Carr, Jr., t/a Briar Patch Achers;  
Doc. No. C-2011-2234164*

**COMPLAINT**

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That all authority issued to Cynthia G. and Andrew J. Carr, Jr., t/a Briar Patch Achers, (respondent) is under suspension effective March 23, 2011 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 3102 Seisholtzville Road, Macungie, PA 18062.
3. That respondent was issued a Certificate of Public Convenience by this Commission on May 23, 1996, at A-00112906.
4. That respondent has failed to maintain evidence of Liability insurance and Cargo insurance on file with this Commission. The Bureau of Transportation and Safety Motor Carrier Services and Enforcement's Prosecutory Staff's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 and causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-00112906 for failure to maintain evidence of current insurance on

file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,

Michael E. Hoffman, Director  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

**VERIFICATION**

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

Michael E. Hoffman, Director  
Bureau of Transportation and Safety

**NOTICE**

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the \$500 fine proposed in the Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Transportation and Safety  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Acord certificates of insurance and faxed Form Es and Hs are unacceptable as evidence of insurance.



The fine payment must be made to the Commonwealth of Pennsylvania and forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations.

Upon receipt of the evidence of insurance from your insurer and receipt of your fine payment, the Complaint proceeding shall be closed.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at (717) 787-1227.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 11-1581. Filed for public inspection September 9, 2011, 9:00 a.m.]

### Telecommunications

**A-2011-2259166. Verizon North, LLC and 365 Wireless, LLC.** Joint petition of Verizon North, LLC and 365 Wireless, LLC for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, LLC and 365 Wireless, LLC, by its counsel, filed on August 25, 2011, at the Pennsylvania Public Utility Commission (Commission), a joint petition for the approval of the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, LLC and 365 Wireless, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 11-1582. Filed for public inspection September 9, 2011, 9:00 a.m.]

### Telecommunications

**A-2011-2259152. Verizon Pennsylvania, Inc. and 365 Wireless, LLC.** Joint petition of Verizon Pennsylvania, Inc. and 365 Wireless, LLC for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and 365 Wireless, LLC, by its counsel, filed on August 25, 2011, at the Pennsylvania Public Utility Commission (Commission), a joint petition for the approval of the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and 365 Wireless, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 11-1583. Filed for public inspection September 9, 2011, 9:00 a.m.]

## STATE BOARD OF MEDICINE

### Bureau of Professional and Occupational Affairs v. Edward C. Blasko, M.D.; Doc. No. 0796-49-11

On August 9, 2011, Edward C. Blasko, M.D., license no. MD029680E, of Wadesboro, NC, had his Pennsylvania license placed on probation based on disciplinary action taken against his license by the proper licensing authority of North Carolina.

Individuals may obtain a copy of the final order by writing to Steven R. Dade, Board Counsel, State Board of Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the State Board of Medicine's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

CAROL E. ROSE, M.D.,  
*Chairperson*

[Pa.B. Doc. No. 11-1584. Filed for public inspection September 9, 2011, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v.  
Timothy Wong, M.D.; Doc. No. 1155-49-11**

On August 10, 2011, Timothy Wong, M.D., license no. MD065858L, of Claymont, DE, had his Pennsylvania license indefinitely suspended for having violated the terms of a previous State Board of Medicine (Board) order.

Individuals may obtain a copy of the final order by writing to Steven R. Dade, Board Counsel, State Board of Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the Board's final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

CAROL E. ROSE, M.D.,  
*Chairperson*

[Pa.B. Doc. No. 11-1585. Filed for public inspection September 9, 2011, 9:00 a.m.]







